

1.0 ASSOCIATED POLICY

- Human Rights and Accessibility Policy

2.0 DEFINITIONS

Access and Disability Resources

The MacEwan department responsible for coordination of reasonable accommodation for students with disabilities.

Accessibility Need

A disadvantage due to a rule, practice, or barrier related to a Protected Ground.

Accessibility/Accommodation Letter

The document prepared by Access and Disability Resources, and addressed to Faculty, which lists Accommodation Requests that may be required by a Student with a Disability when an Accessibility Need is identified.

Accommodation Request

A request for the University to take positive steps in response to a Student, Faculty, or Staff experiencing an Accessibility Need submitted in accordance with an associated procedure.

Assistive Technology

Technological tools designed to facilitate Student access, independence, and efficiency in fulfilling academic tasks.

Bona Fide Requirement

An occupational or educational requirement that, on a balance of probabilities, was adopted for a rational purpose connected to the performance of the job or the provision of the service, was adopted in an honest and good faith belief that it was necessary to the fulfillment of the job or service, and is reasonable and necessary to the fulfillment of the job or service.

Disability

Physical disability or mental disability as protected under the *Alberta Human Rights Act*.

Faculty

A member of the Faculty Association of Grant MacEwan University.

Individual Accommodation and Service Plan

The plan developed by Access and Disability Resources for each registered Student with a Disability that outlines Accommodation Requests, services and Assistive Technology.

Individual Service

One-to-one in-class or out-of-class assistance to a specific Student for a purpose specified by a Learning Specialist as part of the Individual Accommodation and Service Plan.

Learning Specialist

The Professional Resource Faculty member of Access and Disability Resources entrusted with the responsibility to work collaboratively with the Student with a Disability to identify the barriers to full participation for the Student and the accepted Accommodation Requests to mitigate the discriminatory effect of identified barriers.

Staff

An individual employed by the University, including members of the MacEwan Staff Association and employees not included within the scope of either the MacEwan Staff Association or the Faculty Association of Grant MacEwan University.

3.0 PROCEDURE ELEMENTS

3.1 Student Accommodation Request

- 3.1.1 A Student may make an Accommodation Request to address an Accessibility Need on grounds of Disability to Access and Disability Resources by scheduling an appointment with a Learning Specialist. Appointments may be available in person or through alternate means, by request.
- 3.1.2 A Student is expected to make an Accommodation Request to Access and Disability Resources with sufficient notice to implement it. While Access and Disability Resources strives to make services available as soon as possible, sufficient notice is needed depending on the specific Accommodation Request and includes:
 - 3.1.2.1 up to two months' notice for digital text materials, Individual Service, and exam accommodations; and
 - 3.1.2.2 up to three months' notice for interpreting, Communication Access Real-time Translation (CART) reporting, access to Assistive Technology, or specialized Braille and tactile material preparation.
- 3.1.3 Upon receiving an Accommodation Request from a Student, a Learning Specialist will interview the Student and review relevant documentation (see 3.1.4) and background information to:
 - 3.1.3.1 identify barriers to full participation and Accessibility Needs related to functional effects of the Disability;
 - 3.1.3.2 identify a list of reasonable accommodations that will eliminate or mitigate the discriminatory effects of identified barriers, if any, which may, but not necessarily, include accommodation recommendations in the documentation provided and which may include additional recommendations; and
 - 3.1.3.3 identify where additional information on course or other requirements is required from Faculty or Staff and consult accordingly to identify a reasonable accommodation.
- 3.1.4 To validate an Accommodation Request, a Student is expected to provide relevant documentation which meets the following criteria:
 - 3.1.4.1 is completed by a licensed professional with specific training and expertise in the diagnosis and/or description of the disability and/or medical condition(s) for which accommodation is being requested;
 - 3.1.4.2 confirms that a Disability exists and describe the functional effects relevant to full participation in the post-secondary environment; and
 - 3.1.4.3 describes current functioning.
- 3.1.5 Where an Accommodation Request is agreed upon between the Learning Specialist and the Student, the Learning Specialist will develop an Individual Accommodation and Service Plan, which will be documented in a confidential Accessibility/Accommodation Letter addressed to Faculty, which will be provided to the Student, and which includes:

- 3.1.5.1 a list of accommodations identified in 3.1.3.2;
 - 3.1.5.2 contact information for Access and Disability Resources and process in the event that the Faculty member has questions or would like to discuss content of Accessibility/Accommodation Letter;
 - 3.1.5.3 information regarding process to appeal contents of Accessibility/Accommodation Letter; and
 - 3.1.5.4 information regarding teaching strategies that may generally decrease the requirement for Accommodation Requests.
- 3.1.6 When there is a disagreement between the Learning Specialist and the Student regarding the Accommodation Request, or where determined appropriate by the Learning Specialist, the Accommodation Request will be referred to a panel consisting of three (3) members of the Learning Specialist team, including the Chair, Access and Disability Resources, and the Learning Specialist working with the student, to review all relevant information and determine whether to accept or deny the Accommodation Request. Upon the panel making a decision, the Chair, Access and Disability Resources, will prepare a letter to the Student which will include:
- 3.1.6.1 the decision on the Accommodation Request; and
 - 3.1.6.2 if the Accommodation Request is denied, the rationale for the denial and information regarding the process whereby the Student can appeal the decision pursuant to section 3.3 of this procedure.
- 3.1.7 In the event the Accommodation Request relates to a field placement, clinical placement, or other off-campus academic activities, each relevant Faculty/School is responsible for developing and following a process for Accommodation Requests. A Faculty/School may consult with Access and Disability Resources on how to best address an Accommodation Request.
- 3.1.8 Accommodation Requests can only be implemented when the Accessibility/Accommodation letter has been provided by the Student to Faculty with sufficient notice to allow for implementation. Accommodation Requests cannot be applied retroactively.
- 3.1.9 If eligible, the Student will be asked to apply for grant funding to cover services and equipment needed to fulfill the Individual Accommodation and Service Plan.

3.2 Roles and Responsibilities

- 3.2.1 Faculty are responsible for engaging with the Student Accommodation process, including:
 - 3.2.1.1 Upon receiving an Accessibility/Accommodation Letter, Faculty must:
 - 3.2.1.1.1 review the Accessibility/Accommodation Letter;
 - 3.2.1.1.2 comply with the Accessibility/Accommodation Letter to the extent that the accommodation does not interfere with a Bona Fide Requirement;

- 3.2.1.1.3 maintain the confidentiality and any personal information provided by the student of the Accessibility/Accommodation Letter;
- 3.2.1.1.4 contact the Learning Specialist who authored the Accessibility/Accommodation Letter, or a designate in Access and Disability Resources, before communicating with the student, if they have questions or concerns regarding the content of the Accessibility/Accommodation Letter; and
- 3.2.1.1.5 participate in communications with Access and Disability Resources and the student where clarification of and changes to the Accessibility/Accommodation Letter are requested.
- 3.2.1.2 Where a Faculty believes that an Accommodation Request would compromise a Bona Fide Requirement, the Faculty may submit a written request for review (or reconsideration) of the Accommodation Request to the Chair, Access and Disability Resources, to which the Chair will issue a written response to the Faculty, who may appeal pursuant to section 3.4 of this procedure.
- 3.2.1.3 Where Faculty have reason to suspect that a Student may have an Accessibility Need, Faculty must provide information on University services to the Student or contact Access and Disability Resources to provide guidance on the referral process.
- 3.2.2 Access and Disability Resources is responsible for:
 - 3.2.2.1 designing, implementing, and managing accommodation processes, services, and resources to facilitate access;
 - 3.2.2.2 informing students of specific processes and timelines for accessing each accepted Accommodation Request (through the website, portal, and printed materials);
 - 3.2.2.3 advising students regarding government grants for Students with Permanent Disabilities;
 - 3.2.2.4 responding to inquiries, requests and concerns from Faculty, service units and administrators in a timely manner;
 - 3.2.2.5 collaborating and sharing information and resources with the university community including Faculty, Information Technology, service areas, and the like to enhance overall campus physical, service, communication, and technological accessibility; and
 - 3.2.2.6 maintaining currency with relevant legislation and evidence-based developments in the provision of accommodations.
- 3.2.3 Students are responsible for:
 - 3.2.3.1 following published processes for accessing specific services and accommodations, which can be found on the Access and Disability Resources website; and
 - 3.2.3.2 requesting review and update of their Accommodation Request at the beginning of each semester or when there are changes in functional effects of Disability or course requirements.

3.3 Student Appeal

- 3.3.1 An appeal must be submitted, in writing, within ten (10) business days of the date of the written notice of the decision to the Associate Vice President, Students and Teaching.
- 3.3.2 The Associate Vice President, Students and Teaching (or designate) will fully inform themselves of the circumstances and conduct a timely review and hearing, involving the appropriate individuals which may include, but is not limited to, the Student; Learning Specialist; Chair, Access and Disability Resources; and Department Chair. The Associate Vice President, Students and Teaching may also consult with the Provost and Vice-President Academic (or designate) and the Office of General Counsel before rendering a decision.
- 3.3.3 The Associate Vice President, Students and Teaching (or designate), will communicate their decision in writing to the Student and the Chair, Access and Disability Resources, within ten (10) business days of hearing the appeal.
- 3.3.4 The decision of the Associate Vice President, Students and Teaching (or designate), is final.

3.4 Faculty Appeal

- 3.4.1 An appeal must be submitted, in writing, within ten (10) business days of the date of the written notice of the decision to the Dean (or designate) of the Faculty or School of which the Faculty is a member.
- 3.4.2 Accommodation Requests will be granted until the appeal process has concluded.
- 3.4.3 The Dean (or designate) will fully inform themselves of the circumstances and conduct a timely review and hearing, involving the appropriate individuals which may include, but is not limited to, the Faculty, Student, Learning Specialist, Chair, Access and Disability Resources, and Department Chair. The Dean may also consult with the Provost and Vice-President Academic (or designate) and the Office of General Counsel before rendering a decision.
- 3.4.4 The Dean (or designate) will communicate their decision in writing to the Faculty and the Chair, Access and Disability Resources, within ten (10) business days of hearing the appeal.
- 3.4.5 The decision of the Dean (or designate) is final.

3.5 Bona Fide Educational Requirements

- 3.5.1 Where a Bona Fide Requirement is, on a balance of probabilities, adopted for a rational purpose connected to the desired educational outcome; is adopted in an honest and good faith belief that it was necessary to the fulfillment of the outcome; and is reasonable and necessary to the fulfillment of the outcome, an Accommodation Request will not be granted to remove or alter the educational requirement.
- 3.5.2 A Bona Fide Requirement must be approved by the Dean of the Faculty/School through which the course is offered before using the Bona Fide Requirement to deny an Accommodation Request.
- 3.5.3 The Dean of the Faculty/School may approve a Bona Fide Requirement:
 - 3.5.3.1 On application by Faculty; or
 - 3.5.3.2 During a separate course-specific process as determined by the Dean.

4.0 RELATED POLICIES, PROCEDURES, FORMS AND OTHER DOCUMENTS

- Human Rights and Accessibility Policy

5.0 ACCOUNTABILITY

Responsible Office

Office of the Associate Vice-President, Students and Teaching

6.0 HISTORY

Relevant Dates

Approved: **20.05.11**

Effective: **20.06.18**

Next Review: **25.06**

Modification History

- 20.05.11:** New Procedure. Approved by General Faculties Council Executive Committee on behalf of GFC on May 11, 2020 (Motion GFC-EC-03-05-11-2020). Effective upon final approval of the Human Rights and Accessibility Policy by the Board of Governors on June 18, 2020.
- 20.09.03:** Minor revision to reflect department name change from Services to Students with Disabilities to Access and Disability Resources. Approved by Policy Sponsor.