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Name:	Senate Policy on Academic Accommodations for Students
Policy Number:	8-1021
Origin:	University Senate
Approved:	2020-AUG-21
Issuing Authority:	University Senate
Responsibility:	University Senate
Revision Date(s):	N/A
Effective Date:	2020-AUG-21

1. Preamble

Saint Mary's University is committed to accessibility, diversity and the provision of a positive and supportive learning environment through the effective integration of teaching and research. The University is committed to providing Accommodations to Students; enabling them to access University services, programs, and facilities in a supportive environment. This policy forms part of a broader, ongoing commitment to create a fully accessible university community, and is consistent with Saint Mary's University's core values, namely:

In achieving its mission, the Saint Mary's community is guided by core values of academic integrity, the pursuit of knowledge, responsiveness to community needs, openness to change, concerns for a just and civil society, commitment to environmental sustainability, and fiscal responsibility.

2. Purpose

- 2.1. Pursuant to Nova Scotia Human Rights Legislation and the Nova Scotia Accessibility Act, the purpose of this policy is to affirm that Saint Mary's University (herein after referred to as "the University") will make reasonable efforts to provide Academic Accommodations, up to the point of Undue Hardship, for Students experiencing a barrier due to a characteristic protected by human rights legislation (including, but not

limited to, physical, mental, and learning disabilities; religion; race; gender identity and sexuality) and to establish a framework for managing requests by Students for Accommodation in an appropriate and timely manner.

3. Jurisdiction/Scope

3.1. This policy applies to all Academic Activities, including coursework, classroom activities, examinations, thesis research, off-campus course activities, and campus events of an academic nature, engaged in by Students attending, on behalf of, or in connection with the University. All faculty, staff, and other members of the University community share in the responsibility for compliance with this policy.

4. Definitions

4.1. "Accommodation": Accommodations are intended to reduce or eliminate barriers to participation in academic and student life experienced by students due to characteristics protected under human rights legislation.

4.1.1. Accommodations are individualized alterations to how a student:

- accesses course content or program content and information;
- participates in learning, research and course work; and
- demonstrates skills, knowledge or outcomes of a course or program.

4.1.2. Accommodations do not:

- diminish the academic integrity of the University's programs;
- diminish the student's responsibility to meet academic standards;
- remove or alter essential course content, program content or course or program standards and requirements; or
- remove or alter the fundamental requirements for evaluation and independent demonstration of knowledge and skills.

4.2. "Centre" refers to the Fred Smithers Centre for Students with Disabilities, Student Affairs & Services.

4.3. "Student" means an individual registered in an academic related course or program at Saint Mary's University.

- 4.4. "Academic Activity" refers to coursework, classroom activities, examinations, off-campus course activities, thesis research, and campus events of an academic nature, conducted at, on behalf of, or in connection with the University.
- 4.5. "Undue Hardship" means that all reasonable measures of Accommodation have been exhausted, and only unreasonable or impracticable options remain which would create a substantial and unmanageable burden for the University, or it is determined that the physical and/or mental safety of an individual or group of individuals will be jeopardized and/or harmed.
- 4.6. "Procedures" means the Fred Smithers Centre Policy & Procedures Manual as established from time to time.
- 4.7. "Appeal" means formal notice and action of disagreement within the context of accommodation requests.
- 4.8. "Accommodations Appeals Committee" the final determinant of an academic accommodation decision in accordance with the formal Accommodations Appeal process.

5. Policy

- 5.1. Students experiencing barriers to participation in an Academic Activity due to a characteristic protected under human rights legislation are entitled to Accommodations to reduce or eliminate such barriers up to the point of Undue Hardship, as set out in this policy.
- 5.2. All faculty, staff, and other members of the University community share in the responsibility for compliance with this policy.
- 5.3. Students are encouraged to seek an Accommodation where they believe that they are experiencing a barrier to participation in an Academic Activity, due to a characteristic protected under human rights legislation, which may be reduced or eliminated by an Accommodation.
- 5.4. All requests for Accommodations shall be made by the Student to the Centre in accordance with the Procedures.
- 5.5. Accommodation requests shall be made prior to the Academic Activity in question.
- 5.6. Accommodation decisions will be reviewed on a regular basis and adjusted to the current circumstances of the Student, where necessary.
- 5.7. Accommodation decisions may be appealed by the Student in accordance with the appeals process outlined in Section 8 of this policy.

- 5.8. All documentation and communication relating to a request for Accommodation, including supporting documentation, shall be treated as strictly confidential, and shall not be disclosed to other persons without the explicit written consent of the student requesting the accommodation, except to the extent that such disclosure is necessary for the effective implementation of the accommodation decision or appeal of that decision.
- 5.9. Nothing in this Policy or the Procedures shall diminish the Student's right to seek the assistance of the Nova Scotia Human Rights Commission, the Accessibility Directorate, or other means of recourse.

6. Administrative Structure

6.1. Authority

This Academic Accommodations Policy resides under the authority of the Vice President, Academic and Research. The Centre is responsible for the day to day execution and administration of this Policy and the Procedures.

6.2. Record-Keeping

The Centre shall track and monitor data relating to Accommodation requests, Accommodation appeals, Accommodation plans, and other matters relating to student Accommodation.

6.3. Reporting

The Centre shall deliver an annual report to the Vice President, Academic and Research which will include:

- Number of Accommodation requests;
- Representation of the nature of the requests and program of study;
- Number of appeals and summary of decisions; and
- Any service challenges or other issues presented while administering this policy and procedures.

6.4. Training

The University shall offer and encourage participation in regular training organized by the Fred Smithers Centre and/or the Diversity and Inclusion Advisor for any faculty and staff involved in administering this Policy.

7. Procedures

7.1. Request for Accommodation

A request for Accommodation shall be made by the Student to the Centre prior to the Academic Activity in question taking place, and as soon as the student is made aware of the activity.

7.2. Preliminary Assessment

The Centre shall make a preliminary assessment of the request to determine the nature of the barrier experienced by the student and the connection of that barrier to a characteristic protected by human rights legislation. If both can be established, an Accommodation will be provided. If both cannot be established, then the request shall be denied.

7.3. Factors to be Considered

Where an Accommodation is to be provided, it must be reasonable, up to the point of Undue Hardship. The relevant factors to be considered in determining a reasonable Accommodation shall include, but are not limited to, the following:

- 7.3.1. Whether the proposed Accommodation will reduce or eliminate the barrier;
- 7.3.2. Whether the proposed Accommodation will pose a risk to faculty, staff or other Students or to the Student seeking an Accommodation;
- 7.3.3. Whether the anticipated expenses (estimated expenses to execute the accommodation) will be cost-prohibitive;
- 7.3.4. Whether the proposed Accommodation will be exceedingly disruptive to the program or service, taking into consideration Students, faculty, staff or others that may be affected by the Accommodation;
- 7.3.5. Whether the proposed Accommodation will substantially undermine the academic requirements of the program; and
- 7.3.6. In circumstances where the proposed Accommodation appears to create Undue Hardship based on the above factors, whether an alternative Accommodation may be available.

7.4. Consultation and Decision

Considering the factors set out in section 7.2, the Centre will decide what Accommodation will be provided, following consultation, as appropriate to the circumstances, with:

- the Student;
- the Course Instructor (for course-related accommodations);

- the administrator responsible for the Academic Activity in question;
- others that may be warranted by the circumstances.

8. Appeals

8.1. Basic Principles

- 8.1.1. A Student may appeal or ask for review of the decision regarding their request for Accommodation, either informally or formally, with the appropriate documentation.
- 8.1.2. A Course Instructor may appeal or ask for review of an Accommodation decision pertaining to their course, either informally or formally, with the appropriate documentation.
- 8.1.3. An appeal or review is warranted when a reasonable Accommodation, with respect to Undue Hardship, has been refused by the faculty member or the faculty member believes the requested Accommodation diminishes academic integrity.

8.2. Informal Process

- 8.2.1. If a Student or faculty member disagrees with an Accommodation, the Student or faculty member will attempt to resolve the matter with the Centre. This process must be done in advance of a formal appeal or review.
- 8.2.2. The Centre, with the permission of the Student or faculty member, will initiate informal conversations with the other party in an attempt to resolve the matter.
- 8.2.3. Should the matter remain unsolved, the Manager of the Centre, or designate, may then, with the permission of the Student, meet with the appropriate Associate Dean and/or Dean in a final attempt to resolve the concerns.

8.3. Formal Process

- 8.3.1. If the Student's objection remains unsolved following an informal process, the Student may make a formal appeal by submitting an appeal form, which can be found on the Centre's website(<https://smu.ca/campus-life/fred-smithers-centre.html>), to the Accommodations Appeal Committee (herein referred to as the "Committee") within 10 academic days of the date that the Centre communicated the decision to the Student.
- 8.3.2. The Committee will review the appeal and make a final decision which cannot be appealed further.

- 8.3.3. If the faculty member's objection remains unsolved following an informal process, the faculty member may ask for a review of accommodations via a written request to the Committee.
- 8.3.4. The faculty member must be able to demonstrate a substantial, viable and direct connection to the proposed Accommodation and the Student's ability to satisfy the course outcomes with respect to academic integrity. In such cases, the Student shall be made aware of the request for reconsideration and shall have the opportunity to provide their position to the Committee before a final determination is made.
- 8.3.5. The Committee will then review the request for Accommodation and make a decision based upon the student's disability and the academic requirements and outcomes of the course. This decision cannot be appealed further.
- 8.4. Any decision made by the Committee will be supported with a written summary and rationale of the decision and/or recommendations, to be submitted to the Centre for filing, and copied to the involved faculty member, the appropriate department Dean and to the Student.

9. Relevant Legislation

- 9.1. **Nova Scotia Accessibility Act, Bill 59** – Full copy is available online at:
<https://nslegislature.ca/sites/default/files/legc/PDFs/annual%20statutes/2017%20Spring/c002.pdf>

Purpose of Bill 59 in its introduction (pp. 1-2):

The purpose of this Act is to

- (a) achieve accessibility by preventing and removing barriers that disable people with respect to (i) the delivery and receipt of goods and services, (ii) information and communication, (iii) public transportation and transportation infrastructure, (iv) employment, (v) the built environment, (vi) education, and (vii) a prescribed activity or undertaking;
- (b) provide for the involvement of persons with disabilities, the public sector and other stakeholders in the development of accessibility standards;
- (c) facilitate the timely implementation of accessibility standards with a goal of achieving an accessible Nova Scotia by 2030;
- (d) monitor, review and enforce compliance with accessibility standards; and

(e) establish an Accessibility Directorate that is responsible for supporting accessibility initiatives and advancing broader disability-related issues.

9.2. **Nova Scotia Human Rights Act** – full copy is available online at:

<https://nslegislature.ca/sites/default/files/legc/statutes/human%20rights.pdf>

Purpose of Nova Scotia Human Rights Act (pp. 4-5):

Prohibition of discrimination 5 (1) No person shall in respect of (a) the provision of or access to services or facilities; (b) accommodation; (c) the purchase or sale of property; (d) employment; (e) volunteer public service; (f) a publication, broadcast or advertisement; (g) membership in a professional association, business or trade association, employers' organization or employees' organization, discriminate against an individual or class of individuals on account of R.S., c. 214 human rights 5 JUNE 27, 2018

(h) age;

(i) race;

(j) colour;

(k) religion;

(l) creed;

(m) sex;

(n) sexual orientation;

(na) gender identity;

(nb) gender expression;

(o) physical disability or mental disability;

(p) an irrational fear of contracting an illness or disease;

(q) ethnic, national or aboriginal origin;

(r) family status;

(s) marital status;

(t) source of income;

(u) political belief, affiliation or activity;

(v) that individual's association with another individual or class of individuals having characteristics referred to in clauses (h) to (u).

9.3. **A Note on Undue Hardship**

From New Brunswick Human Rights Commission document: *Guideline on Accommodating Students with Disabilities in Post-Secondary Institutions, 2017*

Full text available online at:

<https://www2.gnb.ca/content/dam/gnb/Departments/hrc-cdp/PDF/Guideline-Accommodating-Post-Secondary-Students-Disability-New-Brunswick.pdf>

It may be challenging for an education provider to accommodate a particular student, but this does not necessarily mean that the accommodation would result in undue hardship. The conclusion that there would be undue hardship must be based on an objective assessment of the facts and evidence, not on guesswork. The assessment may require examining the costs of the accommodation, the essential requirements of the program, statistical data, the opinions of experts, or other relevant factors.

What is considered undue hardship may vary between education providers and is affected by the size of the institution. A larger education provider may be in a better position to absorb the costs associated with the accommodation than a smaller provider. Education providers cannot use limited resources or budgetary restrictions as a defence to the duty to accommodate without first meeting the formal test for undue hardship based on costs. Further, education providers are not to decide which accommodations are most appropriate for students based on financial considerations or budgetary constraints. Whether an accommodation is "appropriate" is different and separate from whether the accommodation would result in "undue hardship."

If the accommodation meets the student's needs and does so in a way that respects their dignity, then a determination can be made as to whether or not this "most appropriate" accommodation would result in undue hardship. It is also important to note that inconvenience, workload, collective agreement items and preferences are not considered undue hardship. As part of the duty to accommodate, education providers have a duty to initiate discussions about potential accommodation if they believe a student may have a disability that requires it, even if the student has not previously raised the issue. However, providers may not impose an accommodation if a student refuses it. (p. 6)

10. Related Policies, Procedures & Documents

10.1. Academic Regulations – This policy exists in conjunction with all Saint Mary’s University Academic Regulations in place for the current academic year <https://smu.ca/academics/calendar/>

Version History

Version	Date Changed	Updated by	Description of Change
1.0	August 21, 2020	Senate Standing Committee on Accessibility in the Academic Environment	Document creation.