

<b>SUBJECT</b>	<b>POLICY 73 (ACADEMIC ACCOMMODATION FOR STUDENTS WITH DISABILITIES)</b>
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<b>MEETING DATE</b>	<b>DECEMBER 4, 2018</b>
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Forwarded to the Board of Governors on the Recommendation of the President

**APPROVED FOR  
SUBMISSION**



Santa J. Ono, President and Vice-Chancellor

<b>DECISION REQUESTED</b>	<b>IT IS HEREBY REQUESTED that the UBC Board of Governors <i>approve the proposed amendments to Policy 73 (Academic Accommodation for Students with Disabilities).</i></b>
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<b>Report Date</b>	November 5, 2018
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**Presented By** Hubert Lai, Q.C., University Counsel

**EXECUTIVE SUMMARY**

The proposed amendments are intended to modernize the Policy and ensure a more effective and accountable process for accommodating students with disabilities at the University, by clarifying the scope of the Policy, outlining the responsibilities for those key members of the University involved in the accommodation process, providing guidance on the principles that apply when determining if an accommodation should be made, and establishing streamlined procedures that are consistent across both the Vancouver and Okanagan campuses.

**Attachments**

1. A clean copy of proposed Policy #73.
2. A blacklined copy of Policy #73 showing the differences between the proposed version presented to the Board on June 14, 2018 and the version now being presented for approval.
3. A table of comments received through the Call for Comments and the Policy Review Committee's response to each.
4. Frequently Asked Questions about Policy #73.

A copy of the current policy is available at:  
<https://universitycounsel.ubc.ca/files/2010/08/policy73.pdf>.

**INSTITUTIONAL STRATEGIC PRIORITIES SUPPORTED**

Learning     
  Research     
  Innovation     
  Engagement (Internal / External)     
  International

or  Operational

<b>DESCRIPTION &amp; RATIONALE</b>	Policy #73 (Academic Accommodation for Students with Disabilities), was created in 1999 and has not subsequently been revised. Since then, certain parts of the Policy have become outdated, including the name of the administrative office designated with the primary responsibility for accommodating students with disabilities on the Vancouver campus, and the need for further guidance within the
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Policy for determining when accommodations are to be made has become apparent.

The Policy was originally intended to apply only to accommodations for students with disabilities of an academic nature, yet there are also non-academic accommodations provided to students with disabilities that are coordinated through the same offices at the University (i.e. the Centre for Accessibility for UBC Vancouver and the Disability Resource Centre for UBC Okanagan), the guidance for which is well placed in this Policy. The Policy itself also did not contain a procedures section or any substantive guidance surrounding implementation of reasonable accommodations for students with disabilities.

The proposed amendments are intended to provide additional guidance for students, faculty and staff in terms of the process by which accommodations for students with disabilities are made at the University, clearly setting out the responsibilities of the key University members involved in the process of accommodation, expanding upon and clarifying the scope of the Policy, defining key terms used, outlining the key principles to be considered when determining and implementing accommodations, ensuring that the current practices for providing accommodation are reflected and more consistent between the two campuses, and establishing refined processes where a student or instructor disagrees with a recommended accommodation.

<p><b>BENEFITS</b> Learning, Research, Financial, Sustainability &amp; Reputational</p>	<p>These amendments will bring the Policy into alignment with the University's existing practices, creating a more consistent process across the two campuses and establishing key principles that will guide the extent to which the University's responsibility for providing accommodations for students with disabilities is to be made. This better reinforces the University's commitment to its moral and legal duty to accommodate.</p>
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<p><b>CONSULTATION</b> Relevant Units, Internal &amp; External Constituencies</p>	<p>The University Counsel constituted a Policy Review Committee to consider and advise on the proposed new Policy. The Committee was comprised of the following members:</p> <ul style="list-style-type: none"> <li>• Paul Hancock, Legal Counsel, Information and Privacy (Chair)</li> <li>• Winsome Glover, Associate, Richards Buell Sutton LLP (Secretary)</li> <li>• Janet Mee, Director, Centre for Accessibility</li> <li>• Eldon Graham, UBC Student Accessibility Network (formerly UBC Disabled Students' Association)</li> <li>• Max Holmes, Vice-President Academic &amp; University Affairs, Alma Mater Society</li> <li>• Shirley Nakata, Ombudsperson for Students</li> <li>• Susanne Goodison, Director, Arts Academic Advising Services</li> <li>• Christina Hendricks, Academic Director, Centre for Teaching, Learning and Technology (succeeded Simon Bates, Senior Advisor, Teaching and Learning Academic Director, Centre for Teaching, Learning and Technology during the community consultation period)</li> <li>• Stephanie Oldford, Academic Governance Officer, Enrolment Services (following the community consultation period)</li> <li>• Earlene Roberts, Manager, Disability Resource Centre - UBC Okanagan</li> </ul>
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- Tanya Forneris, Associate Director, School of Health and Exercise Sciences - UBC Okanagan
- Rachelle Hole - Associate Professor, School of Social Work - UBC Okanagan

Proposed amendments to Policy #73 were presented to the Board of Governors for information on June 14, 2018. The University then widely solicited comments on the proposed Policy in the following manner: The initial proposal for Policy 73 was published on the website of the Office of the University Counsel (OUC) under a call for comments on June 25, 2018, with a long comment period running until September 30, 2018. A UBC Bulletin addressed to the UBC Executive, Deans and other senior academic leaders, academic heads, directors and managers on both campuses highlighting the key elements of the amendments to Policy #73 and calling for comments, was sent by email to the University community. Also, a special outreach was made by email to each of the UBC Student Accessibility Network (then the UBC Disabled Students' Association) at the Vancouver campus and the President of the UBC Student Union Okanagan, inviting comments on the proposed amendments to Policy #73.

A number of comments (included in the attached table with the Policy Review Committee's response to each comment) were received from faculty, staff, students and student organizations.

The Policy Review Committee reviewed the comments it had received and unanimously approved a number of revisions to improve the clarity and effectiveness of the proposed Policy. The following are the more significant of these revisions:

- Clarifying that the Policy applies to activities such as work term placements by clarifying in section 1.1 of the Policy that the Policy applies to students with disabilities *engaged in a course, program or activity offered by UBC*.
- Adding new wording in section 3.3 of the Policy to clarify that the Centre is responsible for creating and maintaining information on a University website to provide guidance to the University community about implementation of this policy. Currently, this information is in the form of FAQs, which are attached to this memo.
- Amending section 3.4 of the Policy to provide further clarity as to the Centre and the faculty/school's role in determining disability-related needs for academic concessions. Section 2.4.1.1 of the Procedures has also been removed to avoid repetition of what is already included in section 3.4.
- Removing wording in section 4.1.5 of the Policy that refers to the instructors or unit coordinating implementation of the accommodation at the course or program level as section 4.1 of the Policy is dedicated to responsibilities of the student. This wording relates to the University's responsibilities and it is already reflected in the appropriate place in section 3.5 of the Policy.
- Adding a new sentence to section 4.2 of the Policy to make it clear to students that failure to comply with their responsibilities under the Policy (such as providing their letter of accommodation to the instructor or unit from whom they are seeking accommodation) may result in the appropriate accommodation being delayed or not provided.
- Rewording sections 1.1 and 1.2 of the Procedures to clarify that temporary health issues are dealt with through academic concessions, which will be determined by the relevant faculty or school.

- Adding a requirement to section 2.2 of the Procedures that instructors are responsible to provide the Centre with information relating to an exam at least 2 business days prior to the scheduled exam date. The reason for this change is that the Centre sometimes does not receive exam materials from instructors until it is too late to arrange the appropriate accommodations.
- Expanding the examples of academic accommodations in section 2.4.1 of the Procedures to include further types of accommodations (although not an exhaustive list) to promote awareness of what accommodation services can be provided. Examples of more common types of accommodations at the University are also included in the Centre's FAQs (discussed further below).
- Amendments to sections 3.1 and 3.2 of the Procedures to set out in a clear and more concise manner the factors to be considered in determining whether undue hardship will occur and whether essential requirements of a course, program or activity will be compromised if accommodation is provided.
- Removing the specific time limits within which a student may initiate the resolution processes under sections 5.1 and 5.2 of the Procedures. Upon further consideration, the Committee decided that these time limits would be unfair to students where, given the nature of their disability, they may not determine that they are in disagreement with the accommodation decision until much later.
- The Director of Investigations being replaced by the Responsible Executive for Policy #73 for the purposes of deciding student appeals under section 5 of the Procedures. After further considering the Director of Investigations' role under Policy #3 (Discrimination and Harassment), the Policy Review Committee felt that there was potential for a conflict of interest if after an appeal under section 5.2-5.3 of the Procedures, a student commenced a complaint under Policy #3. An additional obligation has also been included in new section 5.3.3 for the Responsible Executive or their delegate to consult with other professionals for the appropriate expertise to make their decision, such as medical professionals and external legal counsel.
- Removing section 5.6 from the Policy as the right of appeal to the Senate Standing Committee on Academic Standing would only apply in certain situations, and including such details would make the Procedures needlessly complicated given the various factors that would determine this.

As many of the comments received during the community consultation period were questions as to how certain parts of the proposed Policy would work in practice, the Policy Review Committee decided that Frequently Asked Questions (FAQs) about the proposed Policy would be the appropriate format for providing this level of detail. Copies of these FAQs are attached to this docket. Upon final approval of the proposed Policy, each Centre will post these FAQs on their website and update these when necessary to provide guidance for faculty, staff and students about the accommodation process under Policy #73.

One of the issues that was highlighted for consideration in the community consultation was the mechanism for instructors or other University employees seeking review of an academic accommodation decision to determine whether undue hardship would be incurred. Several writers urged the Committee to ensure that this review process is timely and allows for a decision to be made by an individual at the University with appropriate expertise and through the appropriate consultation. The Policy Review Committee received one comment, from the Okanagan Senate Academic Policy Committee, regarding the Registrar being the final decision-maker in this process. The Senate Committee felt that it would be more reasonable for the final decision-maker to be the Dean, not the Registrar. The Policy Review Committee considered this alternative, but it decided to maintain the Registrar as the appropriate person to make this decision. This is more consistent with the Senate policy on program requirements, which makes the Registrar the ultimate decision-maker. Also, the Committee decided that maintaining a single decision-maker would promote consistency in decisions and would also help to avoid unnecessary delays or trauma to the parties affected by the decision. However, to ensure that the Deans have a voice in the decision, the Committee added a requirement for the Registrar to consult with the relevant Dean, and also to consult with the Centre, the relevant Instructor or other University employee, and the Office of the University Counsel, as appropriate.

During the review of the Policy, resource issues were identified that may constrain the ability of the University to meet its responsibility to provide accommodations to students with disabilities. Two of the key resource issues were the lack of adequate staff resources to process accommodation requests, and the limited availability of suitable spaces on both campuses for students with disabilities to write exams for which they have received an accommodation. The Policy Review Committee felt it was appropriate to bring this to the attention of the Board as part of this review process.

As the proposed Policy is to be a joint Senate and Board policy, the Policy is also being submitted to the Vancouver and Okanagan Senates through the relevant Senate committees.

**Previous Report Date** May 15, 2018

**Decision** Presented to the Board for information and input, following which community consultation was undertaken.

A copy of the previous docket is available at:  
[https://bog3.sites.olt.ubc.ca/files/2018/05/3\\_2018.06\\_Policy-73-Amendments.pdf](https://bog3.sites.olt.ubc.ca/files/2018/05/3_2018.06_Policy-73-Amendments.pdf)

 <p><b>The University of British Columbia Board of Governors Okanagan Senate Vancouver Senate</b></p>	<p><b>Policy No.:</b>  73</p>	<p><b>Approval Date:</b> May 1999</p> <p><b>Last Revision:</b> December 2018 [anticipated]</p>
	<p><b>Responsible Executive:</b> Vice-President, Students</p>	
<p><b>Title:</b>  <b>Accommodation for Students with Disabilities (Joint Senate and Board Policy)</b></p>		
<p><b>Background &amp; Purposes:</b></p> <p>The purpose of this Policy is to outline the principles, responsibilities and processes for the provision of Accommodation for Students with Disabilities.</p> <p>The purpose of Accommodation is to create an accessible learning environment that enables all Students to meet the essential requirements of UBC's courses, programs and activities. UBC is committed to providing Accommodation to promote human rights, equity and diversity, and to comply with its duty under the British Columbia <i>Human Rights Code</i> to make its services and facilities available in a manner that does not discriminate. Students will be Accommodated in a way that respects their dignity, privacy and autonomy. Once Accommodated, Students are responsible for following Accommodation procedures in order to meet the essential requirements of their course, program or activity.</p> <p>The Centre for Accessibility on the Vancouver campus and the Disability Resource Centre on the Okanagan campus are the offices that are designated to assist UBC in integrating Students with Disabilities into all aspects of University life and are responsible for assisting Students and their Instructors with Accommodation. Providing Accommodation to Students with Disabilities is a shared responsibility amongst all members of the UBC community.</p> <p>UBC recognizes the benefits of the application of Universal Instructional Design principles to the built and learning environments at UBC. These principles are a comprehensive approach to classroom interaction and evaluation and include flexibility of delivery systems and evaluation methods, maximizing learning for Students with different abilities and learning preferences while minimizing the need for Students to make specific requests for Accommodation.</p>		

## 1. Scope

- 1.1. This Policy applies to Students with Disabilities engaged in a course, program or activity offered by UBC. Where a person is both a Student

and employee of UBC, this Policy only applies to those activities that are associated with the person's status as a Student. Students should consult with their manager insofar as their request for Accommodation relates to their employment at UBC.

- 1.2. This Policy does not apply to Students who experience Temporary Health Issues. Students experiencing Temporary Health Issues should seek an academic concession following the processes under the Senate Regulation on Academic Concession set out in UBC's Academic Calendars.
- 1.3. This Policy also applies to UBC staff and faculty with respect to their shared responsibility to Accommodate Students with a Disability.

## 2. Definitions

- 2.1. "**Accommodation**" or "**Accommodate**" refers to any modification that reduces or eliminates barriers to participation arising when Students with Disabilities interact with UBC's facilities or its teaching, learning and assessment methods and materials.
- 2.2. "**Administrative Head of Unit**" is any one of the following, as the context requires: Director of a service unit, Head of an academic department; Director of a centre, institute or school; Principal of a college; Dean; Associate Vice-President; University Librarian; Registrar; Vice-President; Deputy Vice-Chancellor & Principal; or President.
- 2.3. "**Centre**" means, in the case of UBC Vancouver Students, the Centre for Accessibility and in the case of UBC Okanagan Students, the Disability Resource Centre.
- 2.4. Person(s) with a "**Disability**" or "**Disabilities**" means persons who:
  - 2.4.1. have a significant and persistent mobility, sensory, learning, or other physical or mental health impairment;
  - 2.4.2. experience functional restrictions or limitations of their ability to perform the range of life's activities; and
  - 2.4.3. may experience attitudinal and/or environmental barriers that hamper their full and self-directed participation in University activities.
- 2.5. Reference to "**Instructors**" in this Policy shall mean, as the context requires, the instructor of record for the particular course or the Head for the particular program for which the Student is seeking Accommodation, and for graduate Students who are enrolled in a thesis or dissertation, the graduate Student's supervisor for these activities for which the Student is seeking Accommodation.

- 2.6. **"Student"** means a person who:
- 2.6.1. is registered in credit or non-credit courses offered by UBC; or
  - 2.6.2. has formally applied to UBC as a prospective Student.
- 2.7. **"Temporary Health Issues"** are temporary medical impairments or injuries that are unrelated to a Disability and are likely to be substantially resolved in less than one term.

### **3. Responsibilities of UBC towards Students with Disabilities**

- 3.1. UBC has a responsibility to:
- 3.1.1. provide an inclusive and welcoming environment for Students with Disabilities;
  - 3.1.2. ensure that eligible Students are not denied admission on the basis of their Disability;
  - 3.1.3. make its facilities, courses and programs accessible to Students with Disabilities;
  - 3.1.4. provide reasonable Accommodation to Students with Disabilities to the point of undue hardship;
  - 3.1.5. provide advice and guidance for Students with Disabilities about the Accommodation process;
  - 3.1.6. provide information on its academic calendar and website regarding the Accommodation process; and
  - 3.1.7. ensure that faculty and staff are provided relevant information about UBC's policies and procedures associated with providing Accommodation to Students with Disabilities and are familiar with broader accessibility issues.
- 3.2. UBC will carry out the responsibilities set out in section 3.1 in a manner consistent with the *BC Human Rights Code* and other applicable legislation.
- 3.3. The Centre is the office at UBC that is primarily responsible for carrying out the responsibilities set out in section 3.1. In particular, what this means for section 3.1.7 is that the Centre is responsible for including information on its web site that provides guidance to members of the UBC community about implementation of this Policy. Instructors and other UBC employees are responsible for assisting the Centre to carry out its mandate.
- 3.4. The Centre is responsible for determining Accommodations for Students with Disabilities. The Centre is also responsible for determining a

Disability-related need for academic concessions for Students. If the Centre determines that a Student requires an academic concession for reasons related to a Disability, the Centre will notify the relevant faculty or school of such requirement. The faculty or school will then determine what academic concession is to be granted to the Student. For clarity, any appeal of such a decision for academic concession will be governed by the Senate Regulation on Academic Concession set out in the Academic Calendars.

- 3.5. Instructors and other UBC employees are responsible for implementing these Accommodations with the advice and support of the Centre. The Centre is responsible for implementing Accommodations that cannot reasonably be provided at a program level.

#### **4. Responsibilities of Students with Disabilities**

- 4.1. Students with a Disability seeking Accommodations for their Disability have a responsibility to:
  - 4.1.1. contact the Centre about any requested Accommodation in a timely manner (as set out in the Procedures) to allow for arrangement of Accommodation;
  - 4.1.2. provide the appropriate documentation of their Disability to the Centre;
  - 4.1.3. notify the Centre of any changes to their Accommodation requirements;
  - 4.1.4. comply with instructions and procedures for developing and implementing the Accommodation; and
  - 4.1.5. at the beginning of each term or otherwise at the earliest available opportunity, provide the letter of Accommodation received from the Centre to the Instructors or unit from whom they are seeking Accommodation, and to other UBC employees, as appropriate.
- 4.2. Failure to comply with the above responsibilities may result in delays in providing the Accommodation or the appropriate Accommodation not being provided. While providing Accommodation enables Students with a Disability to have an alternative means of meeting essential requirements of the course, program or activity, fulfilling essential requirements remain the Students' responsibility. Providing Accommodation shall not lower the academic standards of UBC, and shall not remove the need for evaluation or assessment and the need to meet essential requirements.

## **PROCEDURES**

**Approved:** December 2018 [anticipated]

*Pursuant to Policy #1: Administration of Policies, “Procedures may be amended by the President, provided the new procedures conform to the approved policy. Such amendments are reported at the next meeting of the Board of Governors.” Note: the most recent procedures may be reviewed at: <http://universitycounsel.ubc.ca/policies/index/>.*

### **1. Distinguishing Disabilities from Temporary Health Issues**

- 1.1. The Centre's responsibility to provide Accommodation under this Policy applies only to Students with Disabilities, not Temporary Health Issues. Such issues involve a different process and are addressed under the Senate Regulation on Academic Concession set out in UBC's Academic Calendars. Under that process, the relevant faculty or school will determine the appropriate academic concession that should be made, if any.
- 1.2. Where there is uncertainty about whether a Student has a Temporary Health Issue or a Disability, Students, their Instructors or other relevant UBC employees should consult with the Centre. Such consultation is especially important where a Student's Temporary Health Issue has persisted for more than one term as the Centre will determine whether the issue has become a Disability.

### **2. Process for Creating Accommodation**

- 2.1. Students requesting Accommodation are responsible to register with the Centre and to provide appropriate documentation as set out in section 4 of the Procedures. Students are encouraged to make contact with the Centre as soon as reasonably possible to ensure it has sufficient time to properly review Accommodation requests and to coordinate any necessary arrangements.
- 2.2. All requests for exam and other test Accommodations (e.g., extended time, alternative location, etc.) must be received by the Centre at least 7 calendar days prior to the scheduled date for mid-term examinations/tests and 7 calendar days prior to the start of formal examination periods. Students are advised to make such Accommodation requests to the Centre as soon as possible to avoid delays in service. Instructors are responsible to provide information relating to the examination or test to the Centre at least 2 business days prior to the scheduled date for such examination or test.
- 2.3. In consultation with the Student, the Centre will review the documentation provided by the Student seeking Accommodation, identify necessary

academic adjustments, auxiliary aids, and/or services, and determine the Accommodations that are reasonable and appropriate. Accommodations will be made on an individual basis, taking an intersectional and holistic view of both the individual and the environment, based on factors such as the functional impact of the Disability and the Student's field of study.

- 2.4. The Centre may determine the following types of Accommodations:
  - 2.4.1. academic Accommodations (e.g. exam-related Accommodations, captioning and sign interpreting, note-taking, course materials in alternate formats, customized exam formats, adaptive equipment / assistive technology and relocation of classes); and
  - 2.4.2. non-academic Accommodations (e.g. Accommodations for housing, parking or recreational activities).
- 2.5. The Centre will prepare a letter of Accommodation which details the specific Accommodation the Centre has determined, and explains how to implement that Accommodation.
- 2.6. At the beginning of each term or otherwise at the earliest available opportunity, Students are expected to provide the letter of Accommodation given to them by the Centre to each Instructor or unit from whom they are seeking Accommodation. The Instructor or unit is responsible for implementing the recommended Accommodation and providing all relevant information regarding the Accommodation to the members of the course or program teaching team. The Centre is responsible for coordinating the support services to be provided for the approved Accommodation where those services cannot reasonably be provided at the program level.

### **3. Limits to Accommodation: Undue Hardship and Essential Requirements**

- 3.1. UBC's duty to Accommodate Students with Disabilities is limited to providing reasonable Accommodation without incurring undue hardship, as that term has been interpreted under BC law. What constitutes undue hardship varies based on, and must be considered in the context of, the circumstances of each individual case. However, undue hardship is likely to exist when an Accommodation could reasonably be expected to result in:
  - 3.1.1. a substantial risk to health or safety to the Student or others;
  - 3.1.2. failure of the Student to meet an essential requirement of a course, program or activity; or
  - 3.1.3. financial or logistical challenges that would seriously compromise or undermine the viability of a course, program or activity.

- 3.2. For the purposes of this Policy, essential requirement(s) are the tasks or requirements of a course, program or activity that must be acquired or demonstrated in order for a Student to successfully meet the objectives of, and that cannot be altered without compromising the fundamental nature of, the course, program or activity. Identifying essential requirements is critical in determining appropriate Accommodations. The following factors determine whether or not a task or requirement of a course, program or activity is an essential requirement:
  - 3.2.1. the task or requirement is rationally connected to the Student's ability to successfully complete the course, program or activity;
  - 3.2.2. the task or requirement was included in good faith, in the belief that it was necessary for the fulfillment of the objectives of that course, program or activity; and
  - 3.2.3. the task or requirement is reasonably necessary for the Student to successfully complete the course, program or activity.
- 3.3. Instructors or other UBC employees who have been notified of an Accommodation for a Student in their course, program or activity have a duty to make such Accommodations, subject to undue hardship. If the Instructor or other UBC employee believes that the Accommodations determined by the Centre will result in an essential requirement of their course, program or activity being unmet or will otherwise incur undue hardship, they must contact the Centre to discuss their concerns, and work cooperatively to determine whether undue hardship would arise if the Accommodation were implemented.
- 3.4. If the Instructor or other UBC employee cannot reach agreement with the Centre on the issue of whether the Accommodation will result in undue hardship, any of them may refer the matter to the following decision-maker or their delegate in the applicable faculty or administrative unit:
  - 3.4.1. for academic Accommodations, the Registrar; and
  - 3.4.2. for non-academic Accommodations, the Administrative Head of Unit.

The decision-maker referenced in section 3.4 will promptly consider the request in consultation with the Centre, the relevant Instructor or other UBC employee, and the Office of the University Counsel, as appropriate. For academic Accommodations, the decision-maker will also consult with the Dean.
- 3.5. The decision of this decision-maker as to whether an Accommodation would incur undue hardship is final, and the Centre will amend its Accommodation determination if required to comply with this decision.

Pending this final decision, the Instructor or other UBC employee will be required to implement the Accommodation determination of the Centre.

#### **4. Documentation**

- 4.1. Students must ensure that documentation acceptable to the Centre is obtained from medical doctors, registered psychologists or other health professionals who are appropriately certified and/or licensed to practice their professions and have specific training, expertise, and experience in the diagnosis of the particular Disability for which Accommodation is being requested. The Centre will provide reasonable assistance to Students to obtain such documentation. UBC is not required to provide or assume the costs of diagnostic services.
- 4.2. Students should submit documentation outlining the nature of the Disability, along with a detailed explanation of the functional impact of the Disability. A diagnosis alone is not sufficient to support a request for an Accommodation.
- 4.3. Documentation must be current. For Students who have a stable condition, usually no more than 3 years must have elapsed between the time of the assessment and the date of the initial request for Accommodation.
- 4.4. All medical information obtained by the Centre will be treated as confidential. When releasing information about the nature of the Disability to Instructors or other relevant UBC employees, its likely impact in an academic setting and recommended Accommodations, the Centre's actions will be governed by the BC *Freedom of Information and Protection of Privacy Act*. This information is disclosed to such persons on a "need-to-know" basis in order for them to perform their duties under the terms of this Policy.
- 4.5. When a Student's functional abilities have shown significant change since the documentation was submitted (i.e. either an improvement or deterioration of status has taken place or is expected to take place) or when the Student's Accommodation requests have changed significantly over the course of their studies, new or updated information may be requested by the Centre. UBC is not required to provide or assume the cost of diagnostic services.
- 4.6. In exceptional circumstances, at the sole discretion of the Centre, a Student may be provided Accommodation on a limited basis without documentation.

#### **5. Student Appeals**

- 5.1. Where a Student disagrees with an Accommodation decision, he or she should advise the Centre of the Student's concerns. The Accommodation

decision will be reviewed by a Centre Accessibility Advisor, Manager or Director who was not involved in the original Accommodation decision. This individual will make a timely decision about whether to vary the Accommodation, and will provide the Student with reasons for such decision in writing, after:

- 5.1.1. conducting a review of all relevant documentation;
  - 5.1.2. consulting with the appropriate Instructors, Administrative Heads of Unit, or other UBC employees as required; and
  - 5.1.3. seeking advice from the Office of the University Counsel.
- 5.2. If the resolution process outlined in section 5.1 above is not resolved to the Student's satisfaction, the Student may appeal to the Responsible Executive for this Policy or their delegate, to review the Accommodation determination of the Centre. Such an appeal is to be made in writing, by submitting to the Responsible Executive or their delegate, a request for appeal setting out:
- 5.2.1. the Accommodation being requested by the Student;
  - 5.2.2. the original Accommodation determination of the Centre;
  - 5.2.3. the decision made pursuant to section 5.1 of these Procedures; and
  - 5.2.4. all documents or other information relevant to review of the Accommodation determination of the Centre that the Student has received (including a copy of the letter of Accommodation detailing the specific Accommodation the Centre determined).
- 5.3. The Responsible Executive or their delegate will:
- 5.3.1. review the Accommodation being requested by the Student, the Accommodation determination of the Centre, the decision made pursuant to section 5.1 of these Procedures, and all other relevant documents or information that were provided with the request for appeal;
  - 5.3.2. request information from the Centre and the relevant Instructor or other UBC employees, as appropriate;
  - 5.3.3. consult with other professionals, such as medical professionals and external legal counsel, as appropriate; and
  - 5.3.4. make a decision about whether to vary the Accommodation determination of the Centre within 10 calendar days of receipt of the written request for appeal. The Responsible Executive or their delegate will communicate their decision and reasons as to the appropriate Accommodation for the Student, in writing, to each of

the Student, the Instructor or other unit from whom the Student is seeking accommodation, and the Centre.

- 5.4. The Centre will amend its Accommodation determination, if required, to comply with the decisions made pursuant to sections 5.1 or 5.3 of these Procedures. Pending such decisions, the relevant Instructor or other UBC employee will be required to implement the Accommodation determination of the Centre.
- 5.5. Where a Student wishes an Accommodation decision or any part thereof to be investigated on the grounds of discrimination, they must initiate such a complaint and follow the processes relating to matters of discrimination under Policy #3 (*Discrimination and Harassment*).
- 5.6. The Student may also have recourse to processes outside of UBC, such as filing a complaint with the BC Human Rights Tribunal.

 <p><b>The University of British Columbia Board of Governors Okanagan Senate Vancouver Senate</b></p>	<p><b>Policy No.:</b></p> <p style="text-align: center;"><b>73</b></p>	<p><b>Approval Date:</b> May 1999</p> <p><b>Last Revision:</b> December 2018 [anticipated]</p>
	<p><b>Responsible Executive:</b> Vice-President, Students</p>	
<p><b>Title:</b></p> <p style="text-align: center;"><b>Accommodation for Students with Disabilities (Joint Senate and Board Policy)</b></p>		
<p><b>Background &amp; Purposes:</b></p> <p>The purpose of this Policy is to outline the principles, responsibilities and processes for the provision of Accommodation for Students with Disabilities.</p> <p>The purpose of Accommodation is to create an accessible learning environment that enables all Students to meet the essential requirements of <del>the University's</del> <u>UBC's</u> courses, programs and activities. <del>The University</del> <u>UBC</u> is committed to providing Accommodation to promote human rights, equity and diversity, and to comply with its duty under the British Columbia <i>Human Rights Code</i> to make its services and facilities available in a manner that does not discriminate. Students will be Accommodated in a way that respects their dignity, privacy and autonomy. Once Accommodated, Students are responsible for following Accommodation procedures in order to meet the essential requirements of their course, program or activity.</p> <p><del>Access &amp; Diversity</del> <u>The Centre for Accessibility</u> on the Vancouver campus and the Disability Resource Centre on the Okanagan campus are the offices that are designated to assist <del>the University</del> <u>UBC</u> in integrating Students with Disabilities into all aspects of University life and are responsible for assisting Students and their Instructors with Accommodation. Providing Accommodation to Students with Disabilities is a shared responsibility amongst all members of <del>the University</del> <u>UBC</u> community.</p> <p><del>The University</del> <u>UBC</u> recognizes the benefits of the application of Universal Instructional Design principles to the built and learning environments at <del>the University.</del> <u>UBC</u>. These principles are a comprehensive approach to classroom interaction and evaluation and include flexibility of delivery systems and evaluation methods, maximizing learning for Students with different abilities and learning preferences while minimizing the need for Students to make specific requests for Accommodation.</p>		

## 1. Scope

- 1.1. This Policy applies to Students with Disabilities: engaged in a course, program or activity offered by UBC. Where a person is both a Student and employee of ~~the University~~UBC, this Policy only applies to those activities that are associated with the person's status as a Student. Students should consult with their manager insofar as their request for Accommodation relates to their employment at ~~the University~~UBC.
- 1.2. This Policy does not apply to Students who experience Temporary Health Issues. Students experiencing Temporary Health Issues should seek an academic concession following the processes under the Senate Regulation on Academic Concession set out in ~~the University's~~UBC's Academic Calendars.
- 1.3. This Policy also applies to UniversityUBC staff and faculty with respect to their shared responsibility to Accommodate Students with a Disability.

## 2. Definitions

~~2.1. "A&D/DRC" means, in the case of UBC Vancouver Students, the office of Access & Diversity and in the case of UBC Okanagan Students, the Disability Resource Centre.~~

~~2.2.2.1.~~ **"Accommodation"** or **"Accommodate"** refers to any modification that reduces or eliminates barriers to participation arising when Students with Disabilities interact with ~~the University's~~UBC's facilities or its teaching, learning and assessment methods and materials.

~~2.3.2.2.~~ **"Administrative Head of Unit"** is any one of the following, as the context requires: Director of a service unit, Head of an academic department; Director of a centre, institute or school; Principal of a college; Dean; Associate Vice-President; University Librarian; Registrar; Vice-President; Deputy Vice-Chancellor & Principal; or President.

2.3. "Centre" means, in the case of UBC Vancouver Students, the Centre for Accessibility and in the case of UBC Okanagan Students, the Disability Resource Centre.

2.4. Person(s) with a **"Disability"** or **"Disabilities"** means persons who:

2.4.1. ~~2.4.1~~ have a significant and persistent mobility, sensory, learning, or other physical or mental health impairment;

2.4.2. ~~2.4.2~~ experience functional restrictions or limitations of their ability to perform the range of life's activities; and

- 2.4.3. ~~2.4.3~~—may experience attitudinal and/or environmental barriers that hamper their full and self-directed participation in University activities.
- 2.5. Reference to "**Instructors**" in this Policy shall mean, as the context requires, the instructor of record for the particular course or the Head for the particular program for which the Student is seeking Accommodation, and for graduate Students who are enrolled in a thesis or dissertation, the graduate Student's supervisor for these activities for which the Student is seeking Accommodation.
- 2.6. "**Student**" means a person who:
- 2.6.1. ~~2.6.1~~—is registered in credit or non-credit courses offered by ~~the University~~UBC; or
- 2.6.2. ~~2.6.2~~—has formally applied to ~~the University~~UBC as a prospective Student.
- 2.7. "**Temporary Health Issues**" are temporary medical impairments or injuries that are unrelated to a Disability and are likely to be substantially resolved in less than one term.

### 3. **Responsibilities of ~~the University~~UBC towards Students with Disabilities**

- 3.1. ~~The University~~UBC has a responsibility to:
- 3.1.1. ~~3.1.1~~—provide an inclusive and welcoming environment for Students with Disabilities;
- 3.1.2. ~~3.1.2~~—ensure that eligible Students are not denied admission on the basis of their Disability;
- 3.1.3. ~~3.1.3~~—make its facilities, courses ~~or~~and programs accessible to Students with Disabilities;
- 3.1.4. ~~3.1.4~~—provide reasonable Accommodation to Students with Disabilities to the point of undue hardship;
- 3.1.5. ~~3.1.5~~—provide advice and guidance for Students with Disabilities about the Accommodation process;
- 3.1.6. ~~3.1.6~~—provide information on its academic calendar and website regarding the Accommodation process; and

- 3.1.7. ~~3.1.7~~—ensure that faculty and staff are provided relevant information about ~~University~~UBC's policies and procedures associated with providing Accommodation to Students with Disabilities and are familiar with broader accessibility issues.
- 3.2. ~~The University~~UBC will carry out the responsibilities set out in section 3.1 in a manner consistent with the BC Human Rights Code ~~(BC)~~ and other applicable legislation.
- 3.3. ~~A&D/DRC~~The Centre is the office at ~~the University~~UBC that is primarily responsible for carrying out the responsibilities set out in section 3.1. In particular, what this means for section 3.1.7 is that the Centre is responsible for including information on its web site that provides guidance to members of the UBC community about implementation of this Policy. Instructors and other UniversityUBC employees are responsible for assisting ~~A&D/DRC~~the Centre to carry out its mandate.
- 3.4. ~~A&D/DRC~~The Centre is responsible for determining Accommodations for Students with Disabilities. ~~A&D/DRC~~The Centre is also responsible for determining a Disability-related need for academic concessions for Students. If the Centre determines that a Student requires an academic concession for reasons related to a Disability, the Centre will notify the relevant faculty or school of such requirement. The faculty or school will then determine what academic concession is to be granted to the Student. For clarity, any appeal of such a decision for academic concession will be governed by the Senate Regulation on Academic Concession set out in the Academic Calendars.
- 3.5. Instructors and other UniversityUBC employees are responsible for implementing these Accommodations with the advice and support of ~~A&D/DRC.~~ A&D/DRCthe Centre. The Centre is responsible for implementing Accommodations that cannot reasonably be provided at a program level.

#### **4. Responsibilities of Students with Disabilities**

- 4.1. Students with a Disability seeking Accommodations for their Disability have a responsibility to:
- 4.1.1. ~~4.1.1~~—contact ~~A&D/DRC~~the Centre about any requested Accommodation in a timely manner (as set out in the Procedures) to allow for arrangement of Accommodation;
- 4.1.2. ~~4.1.2~~—provide the appropriate documentation of their Disability to ~~A&D/DRC~~the Centre;

- 4.1.3. ~~4.1.3~~—notify ~~A&D/DR~~the Centre of any changes to their Accommodation requirements;
  - 4.1.4. ~~4.1.4~~—comply with instructions and procedures for developing and implementing the Accommodation; and
  - 4.1.5. ~~4.1.5~~—at the beginning of each term or otherwise at the earliest available opportunity, provide the letter of Accommodation received from ~~A&D/DR~~the Centre to the Instructors or unit from whom they are seeking Accommodation, ~~who will coordinate implementation of the Accommodation at the course or program level,~~ and to other ~~University~~—UBC employees, as appropriate.
- 4.2. Failure to comply with the above responsibilities may result in delays in providing the Accommodation or the appropriate Accommodation not being provided. While providing Accommodation enables Students with a Disability to have an alternative means of meeting essential requirements of the course, program or activity, fulfilling essential requirements remain the Students' responsibility. Providing Accommodation shall not lower the academic standards of ~~the University~~UBC, and shall not remove the need for evaluation or assessment and the need to meet essential requirements.

## PROCEDURES

**Approved:** December 2018 [anticipated]

*Pursuant to Policy #1: Administration of Policies, "Procedures may be amended by the President, provided the new procedures conform to the approved policy. Such amendments are reported at the next meeting of the Board of Governors." Note: the most recent procedures may be reviewed at: <http://universitycounsel.ubc.ca/policies/index/>.*

### **1. Distinguishing Disabilities from Temporary Health Issues**

- 1.1. ~~A&D/DRC's~~The Centre's responsibility to provide Accommodation under this Policy applies only to Students with Disabilities, not Temporary Health Issues. ~~Temporary Health~~Such issues involve a different process and are addressed ~~as "academic concession"~~ under the Senate Regulation on Academic Concession set out in ~~the University's~~UBC's Academic Calendars. Under that process, the relevant faculty or school will determine the appropriate academic concession that should be made, if any.
- 1.2. Where there is ~~doubt~~uncertainty about whether a Student has a Temporary Health Issue or a Disability, Students, their Instructors or other relevant ~~University~~UBC employees should consult with ~~A&D/DRC~~the Centre. Such consultation is especially important where a Student's Temporary Health Issue has persisted for more than one term as the Centre will determine whether the issue has become a Disability.

### **2. Process for Creating Accommodation**

- 2.1. Students requesting Accommodation are responsible to register with ~~A&D/DRC~~the Centre and to provide appropriate documentation as set out in section 4 of the Procedures. Students are encouraged to make contact with ~~A&D/DRC~~the Centre as soon as reasonably possible to ensure it has sufficient time to properly review Accommodation requests and to coordinate any necessary arrangements.
- 2.2. All requests for exam and other test Accommodations (e.g., extended time, alternative location, etc.) must be received by ~~A&D/DRC~~the Centre at least 7 calendar days prior to the scheduled date for mid-term examinations/tests and 7 calendar days prior to the start of formal examination periods. Students are advised to make such Accommodation requests to ~~A&D/DRC Accommodations~~the Centre as soon as possible to avoid delays in service. Instructors are responsible to provide information relating to the examination or test to the Centre at least 2 business days prior to the scheduled date for such examination or test.

- 2.3. In consultation with the Student, ~~A&D/DRC~~the Centre will review the documentation provided by the Student seeking Accommodation, identify necessary academic adjustments, auxiliary aids, and/or services, and determine the Accommodations that are reasonable and appropriate. Accommodations will be made on an individual basis, taking an intersectional and holistic view of both the individual and the environment, based on factors such as the functional impact of the Disability and the Student's field of study.
- 2.4. ~~A&D/DRC~~The Centre may determine the following types of Accommodations:
- ~~2.4.1—academic Accommodations (e.g. exam-related Accommodations, captioning and sign interpreting, and~~note-taking, course materials in alternate formats);
- 2.4.1. ~~2.4.1.1—A&D/DRC is also responsible for determining a Disability-related need for academic concessions for Students, but if a specific academic concession is to be granted by a faculty or school, this, including the process for appealing such a decision for academic concession, will be governed by the Senate Regulation on Academic Concession set out in the Academic Calendars;~~ customized exam formats, adaptive equipment / assistive technology and relocation of classes; and
- 2.4.2. ~~2.4.2—non-academic Accommodations (e.g. Accommodations for housing, parking or recreational activities).~~
- 2.5. ~~A&D/DRC~~The Centre will prepare a letter of Accommodation which details the specific Accommodation ~~A&D/DRC~~the Centre has determined, and explains how to implement that Accommodation.
- 2.6. At the beginning of each term or otherwise at the earliest available opportunity, Students are expected to provide the letter of Accommodation given to them by ~~A&D/DRC~~the Centre to each Instructor or unit from whom they are seeking Accommodation, ~~in order for the Student to be able to benefit from the recommended Accommodation.~~ The Instructor or unit is responsible for implementing the recommended Accommodation and providing all relevant information regarding the Accommodation to the members of the course or program teaching team. ~~A&D/DRC~~The Centre is responsible for coordinating the support services to be provided for the approved Accommodation where those services cannot reasonably be provided at the program level.

### 3. Limits to Accommodation: Undue Hardship and Essential Requirements

- 3.1. ~~The University's~~UBC's duty to Accommodate Students with Disabilities is limited to providing reasonable Accommodation without incurring undue hardship, as that term has been interpreted under BC law. What constitutes undue hardship varies based on, and must be considered in the context of, the circumstances of each individual case. However, undue hardship ~~exists~~is likely to exist when an Accommodation could reasonably be expected to result in:
- 3.1.1. ~~3.1.1~~—a substantial risk to health or safety to the Student or others;
  - 3.1.2. ~~3.1.2~~—failure of the Student to meet an essential requirement of a course, program or activity; or
  - 3.1.3. ~~3.1.3~~—financial or logistical challenges that would ~~have a significant impact on~~seriously compromise or undermine the viability of a course, program or activity.
- 3.2. For the purposes of this Policy, essential requirement(s) are the tasks or requirements of a course, program or activity that must be acquired or demonstrated in order for a Student to successfully meet the objectives of ~~the course, program or activity,~~ and that cannot be altered without compromising the fundamental nature of the course, program or activity. Identifying essential requirements is critical in determining appropriate Accommodations. The following factors ~~will~~ determine whether or not a task or requirement of a course, program or activity is an essential requirement:
- 3.2.1. ~~3.2.1~~—the task or requirement ~~of a course, program or activity~~ is rationally connected to the Student's ability to successfully complete the course, program or activity;
  - 3.2.2. ~~3.2.2~~—the task or requirement ~~of a course, program or activity~~ was included in ~~an honest~~ and good faith, in the belief that it was necessary ~~to~~for the fulfillment of the objectives of that course, program or activity ~~objective~~; and
  - 3.2.3. ~~3.2.3~~—the task or requirement ~~of a course, program or activity~~ is reasonably necessary ~~to~~ for the Student to successfully complete the course, program or activity. ~~This includes a requirement to demonstrate that it is impossible to provide an Accommodation without undue hardship.~~
- 3.3. Instructors or other UniversityUBC employees who have been notified of an Accommodation for a Student in their course, program or activity have a duty to make such Accommodations, subject to undue hardship. If the Instructor or other UniversityUBC employee believes that the Accommodations determined by ~~A&D/DR~~the Centre will result in an

essential requirement of their course, program or activity being unmet or will otherwise incur undue hardship, they must contact ~~A&D/DRC~~the Centre to discuss their concerns, and work cooperatively to determine whether undue hardship would arise if the Accommodation were implemented.

- 3.4. If the Instructor or other University/UBC employee cannot reach agreement with the ~~A&D/DRC~~Centre on the ~~matter~~issue of whether the Accommodation will result in undue hardship, any of them may refer the matter to the following decision-maker or their delegate in the applicable faculty or administrative unit:

3.4.1. for academic Accommodations, the Registrar; and

3.4.2. ~~3.4.2~~—for non-academic Accommodations, the Administrative Head of Unit.

The decision-maker referenced in section 3.4 will promptly consider the request in consultation with: the Centre, the relevant Instructor or other UBC employee, and the Office of the University Counsel, as appropriate. For academic Accommodations, the decision-maker will also consult with the Dean.

~~3.5.1~~—for academic Accommodations: the Dean;

~~3.5.2~~—for both academic and non-academic Accommodations: ~~A&D/DRC, the relevant Instructor or other University employee, and/or the Office of the University Counsel, as appropriate.~~

- 3.5. The decision of this decision-maker as to whether an Accommodation would incur undue hardship is final, and ~~A&D/DRC~~the Centre will amend its Accommodation determination if required to comply with this decision. Pending this final decision, the Instructor or other University/UBC employee will be required to implement the Accommodation determination of ~~A&D/DRC~~the Centre.

#### 4. Documentation

- 4.1. Students must ensure that documentation acceptable to ~~A&D/DRC~~the Centre is obtained from medical doctors, registered psychologists or other health professionals who are appropriately certified and/or licensed to practice their professions and have specific training, expertise, and experience in the diagnosis of the particular Disability for which Accommodation is being requested. ~~A&D/DRC~~The Centre will provide reasonable assistance to Students to obtain such documentation. ~~The University/UBC~~ is not required to provide or assume the costs of diagnostic services.

- 4.2. ~~Documentation submitted~~ Students should ~~outline~~ submit documentation outlining the nature of the Disability, along with a detailed explanation of the functional impact of the Disability. A diagnosis alone is not sufficient to support a request for an Accommodation.
- 4.3. Documentation must be current. For Students who have a stable condition, usually no more than 3 years must have elapsed between the time of the assessment and the date of the initial request for Accommodation.
- 4.4. All medical information obtained by ~~A&D/DRC~~ the Centre will be treated as confidential. When releasing information about the nature of the Disability to Instructors or other relevant ~~University~~ UBC employees, its likely impact in an academic setting and recommended Accommodations, ~~A&D/DRC's~~ the Centre's actions will be governed by the BC Freedom of Information and Protection of Privacy Act (BC). This information is disclosed to such persons on a "need-to-know" basis in order for them to perform their duties under the terms of this Policy.
- 4.5. When a Student's functional abilities have shown significant change since the documentation was submitted (i.e. either an improvement or deterioration of status has taken place or is expected to take place) or when the Student's Accommodation requests have changed significantly over the course of their studies, new or updated information may be requested by ~~A&D/DRC. The University~~ the Centre. UBC. UBC is not required to provide or assume the cost of diagnostic services.
- 4.6. In exceptional circumstances, at the sole discretion of ~~A&D/DRC~~ the Centre, a Student may be provided Accommodation on a limited basis without documentation.

## 5. Student Appeals

- 5.1. Where a Student disagrees with an Accommodation decision, he or she should advise ~~A&D/DRC~~ the Centre of the Student's concerns ~~as soon as possible but in no event later than 14 calendar days of receiving the letter of Accommodation from A&D/DRC.~~ The Accommodation decision will be reviewed by ~~an A&D/DRC~~ a Centre Accessibility Advisor, Manager or Director who was not involved in the original Accommodation decision. This individual will make a timely decision about whether to vary the Accommodation, and will provide the Student with reasons for such decision in writing, after:
- 5.1.1. ~~5.1.1~~—conducting a review of all relevant documentation;
- 5.1.2. ~~5.1.2~~—consulting with the appropriate Instructors, Administrative Heads of Unit, or other ~~University~~ UBC employees as required; and
- 5.1.3. seeking advice from the Office of the University Counsel.

- 5.2. If the resolution process outlined in section 5.1 above is not resolved to the Student's satisfaction, the Student may, ~~as soon as possible but in no event later than 14 calendar days after being notified of the individual's decision,~~ appeal to the ~~Director of Investigations~~Responsible Executive for this Policy or their delegate ~~with the appropriate expertise,~~ to review the Accommodation determination of ~~A&D/DRC~~the Centre. Such an appeal is to be made in writing, by submitting to the ~~Director of Investigations~~Responsible Executive or their delegate, a request for appeal setting out:
- 5.2.1. ~~5.2.1~~—the Accommodation being requested by the Student;
  - 5.2.2. ~~5.2.2~~—the original Accommodation determination of ~~A&D/DRC~~the Centre;
  - 5.2.3. ~~5.2.3~~—the decision made pursuant to section 5.1 of these Procedures; and
  - 5.2.4. ~~5.2.4~~—all documents or other information relevant to review of the Accommodation determination of ~~A&D/DRC~~the Centre that the Student has received (including a copy of the letter of Accommodation detailing the specific Accommodation ~~A&D/DRC~~ the Centre determined).
- 5.3. The ~~Director of Investigations~~Responsible Executive or their delegate will:
- 5.3.1. ~~5.3.1~~—review the Accommodation being requested by the Student, the Accommodation determination of ~~A&D/DRC~~the Centre, the decision made pursuant to section 5.1 of these Procedures, and all other relevant documents or information that were provided with the request for appeal;
  - ~~5.3.2~~ ~~5.3.2~~—request information from ~~A&D/DRC~~the Centre and the relevant Instructor or other ~~University~~UBC employees, as appropriate;
  - ~~5.3.2~~~~5.3.3~~ ~~consult with other professionals, such as medical professionals and external legal counsel, as appropriate; and~~
  - ~~5.3.3~~~~5.3.4~~ ~~5.3.3~~—make a decision about whether to vary the Accommodation determination of ~~A&D/DRC~~the Centre within 10 calendar days of receipt of the written request for appeal. The ~~Director of Investigations~~Responsible Executive or their delegate will

communicate their decision and reasons as to the appropriate Accommodation for the Student, in writing, to each of the Student, the Instructor or other unit from whom the Student is seeking accommodation, and ~~A&D/DRC~~the Centre.

- 5.4. ~~A&D/DRC~~The Centre will amend its Accommodation determination, if required, to comply with the decisions made pursuant to sections 5.1 or 5.3 of these Procedures. Pending such decisions, the relevant Instructor or other ~~University~~UBC employee will be required to implement the Accommodation determination of ~~A&D/DRC~~the Centre.
- 5.5. Where a Student wishes an Accommodation decision or any part thereof to be investigated on the grounds of discrimination, they must initiate such a complaint and follow the processes relating to matters of discrimination under Policy #3 (*Discrimination and Harassment*).

~~5.6. The Student may have recourse to other processes within the University, such as Senate appeals.~~

~~5.7.~~5.6. The Student may also have recourse to processes outside of ~~the~~the ~~University~~UBC, such as filing a complaint with the ~~B.C.~~BC Human Rights Tribunal.

## POLICY 73 REVIEW COMMITTEE RESPONSES TO COMMENTS FROM THE UBC COMMUNITY

	<u>COMMENT</u>	<u>RESPONSE</u>
	<b>POLICY</b>	
1.	<p><b><u>Background and Purpose:</u></b> The implications of the statement (quoted below) in the background and purpose section of the document are unclear. Does this imply that adoption of this policy update will create an obligation on the part of all instructors to generate materials in multiple formats? Not only does this give rise to the potential for significant additional workload, but it may also infringe on the academic freedoms (including copyright) of faculty members. This statement does not appear in the current version of the policy, and has the potential to create a great deal of concern amongst faculty members.</p> <p><i>“The University recognizes the benefits of the application of Universal Instructional Design principles to the built and learning environments at the University. These principles are a comprehensive approach to classroom interaction and evaluation and include flexibility of delivery systems and evaluation methods, maximizing learning for Students with different abilities and learning preferences while minimizing the need for Students to make specific requests for Accommodation.”</i></p>	<p>This statement regarding Universal Instructional Design is included in the background and purposes section of the policy only to highlight the benefits of this educational framework in the built and learning environments at UBC, particularly for students with disabilities. By including such statement, the policy does not create a further obligation on instructors, such as requiring instructors to create multiple formats for their course or program materials. This would only arise where such an accommodation request has come from the Centre, through the usual accommodation process.</p> <p>The benefits of UID are explained further in the Centre's FAQs<sup>1</sup>.</p>
2.	<p><b><u>Policy sections 1 &amp; 2:</u></b> Provide clarification. Policy 73 does not apply to Resident trainees; they are not students and not employees. This is not clear within the policy.</p> <p>Expand the definition of instructor within the policy, and provide a definition of campus. Ex: What is and what isn't the campus?</p>	<p>As resident trainees are not students, they do not fall within the scope of Policy 73 by virtue of section 1.1 of the Policy (and thereby through the definition of "Student" under section 2.6). The Centre's FAQs explain who the policy applies to.</p> <p>The Committee doesn't see a reason for expanding the definition of instructor. Campus is only referenced in the Background &amp; Purposes section of the policy for the offices (i.e. the Centre) responsible for assisting students and instructors with accommodation, not within the policy itself, and the Committee doesn't see why there would be confusion as to what is and isn't the Vancouver campus and the Okanagan campus.</p>
3.	<p><b><u>Policy sections 1.2 &amp; 2.7:</u></b> <b>Recommendation 3: Accommodations for Temporary Health Issues</b> Temporary Health Issues defined by UBC as “temporary medical</p>	<p>Students experiencing temporary health issues requiring a modification to an academic requirement fall within with the scope of the Senate Regulation on Academic Concession. Policy 73</p>

<sup>1</sup> The Centre is responsible for creating and maintaining information on a University website to provide guidance to the University community about implementation of this policy. To clarify this obligation of the Centre, wording has been added to section 3.3 of the Policy to explain that information will be provided on the Centre's websites. The Centre has created web pages of FAQs (Frequently Asked Questions) with responses that will provide the further guidance and clarity requested for many of the comments received during the consultation period for the review of Policy 73.

## POLICY 73 REVIEW COMMITTEE RESPONSES TO COMMENTS FROM THE UBC COMMUNITY

	<p>impairments or injuries that are unrelated to a Disability and are likely to be substantially resolved in less than one term” do not provide a basis for accommodations under the proposed revision of Policy #73. However, academic concessions may be insufficient in supporting a student with Temporary Health Issues to perform to their usual ability. Academic concessions are limited in scope, only providing three options: allowing a student to drop a course after a deadline, deferred standing for coursework and exams, and withdrawal from a course. Services such as note-taking and extra time for an examination are not available, though depending on the health issue, could allow a student to complete the course.</p> <p><b>By allowing students with Temporary Health Issues to register with the Centre for Accessibility</b>, students temporarily experiencing barriers as a student with a disability will be able to receive the necessary accommodations and other supports required to continue performing at the same academic level. While support from the Centre for Accessibility is mentioned to be a potential component of a student’s academic plan while receiving an academic concession, the lack of a centralized office makes it difficult for a student to access all the resources that UBC has at its disposal. As the prognosis of a Temporary Health Issue may change in its seriousness, scope and estimated timeframe for recovery, it would be prudent to require students with Temporary Health Issues to renew their registration with the Centre for Accessibility at the end of their initial prognosis.</p> <p>The lack of a centralized office presents additional difficulties for students who pursue additional educational experiences, such as co-op terms, exchange programs, and other educational activities. Recommendation 1 [see section 2.2/2.4 Policy Comment] includes the need for greater support for students with disabilities pursuing these experiences, but a similar type of support could be given to students with Temporary Health Issues.</p>	<p>governs accommodations which at law involve a disability and so a temporary health issue would fall outside the scope of the policy.</p> <p>In theory, the scope of academic concessions is broader than these three available concessions that have been listed, and what concessions are granted vary by different factors, including by faculty. However, in practice, to present, it is rare that a faculty will grant academic concessions other than these three listed concessions.</p> <p>It is useful to note that the academic concessions policy is currently under review by the Vancouver Senate and is expected to be reviewed by the Okanagan Senate in the near future, so it is possible that further clarity regarding the types of concessions that can be granted is addressed in the review.</p> <p>In any event, the concessions process for students with temporary health issues to follow, which involves the faculty’s advising office (as opposed to the Centre), is explained in the Centre’s FAQs.</p>
4.	<p><b><u>Policy section 1.2:</u></b> I ask that that paragraph 1.2, which pertains to temporary health issues, be reconsidered as academic concessions are insufficient to deal with institutional challenges at the University of British Columbia.</p> <p>As someone who has sustained a severe wrist injury of a temporary nature, I would be unable to secure academic concessions such as note-</p>	<p>Please refer to the Committee’s response to Comment #3 above with respect to the scope of academic concessions and the process for students with temporary health issues seeking an accommodation.</p> <p>Work co-op placements for students experiencing temporary health issues fall outside the scope of Policy 73 (as noted above, students</p>

## POLICY 73 REVIEW COMMITTEE RESPONSES TO COMMENTS FROM THE UBC COMMUNITY

	<p>taking and extra time on exams through a faculty's instruction or administration. If I were to go through the process for academic concessions, I would simply be given the option to withdraw from courses, even if it was possible to complete the course with assistance from Access and Diversity. Academic concessions currently only concern the following: permission to drop or withdraw from a course after the normal deadlines, Aegrotat standing or Deferred standing, and withdrawal from the University.</p> <p>As well, the academic concession policy does not deal with institutional challenges while Access and Diversity does. For example, I have had difficulty acquiring a co-op work term because while my wrist injury limits data entry work and other very wrist-intensive activities, Arts Co-op unilaterally chose to prevent me from applying to all Co-op job postings (even those that are not wrist-intensive) and has effectively prevented me from completing the co-op program at UBC. If it were not for Access and Diversity's authority in administering Policy 73, I would have no other recourse other than to file a Human Rights Complaint against the University of British Columbia. At the moment, I am registered with Access and Diversity with no accommodations.</p> <p>Even then, my prognosis has never been consistent. It has stretched from until the end of term 2 of 2018W, to the end of the summer, to past that. This is the case for many individuals when it comes to temporary disabilities, mental health challenges, and other injuries, as there is no certainty that comes with recovery.</p> <p>I am in firm support of the existing provisions of Policy 73 that allows a student with a temporary health condition that is expected to last less than an academic term to register with Access and Diversity the condition that they must renew or re-activate their registration with Access and Diversity at the end of their initial prognosis.</p>	<p>with temporary health issues do not fall within the scope of the policy). However, the Centre can have a consulting role in such circumstances, which is touched on in section 1 of the Procedures and explained further in the Centre's FAQs. Section 1 of the Procedures recommends that the Centre be consulted where there is doubt about whether a student has a temporary health issue or a disability.</p>
5.	<p><b><u>Policy section 1.2 &amp; Procedures section 1.1:</u></b>  <b>Scope</b> - We would urge University Counsel and A&amp;D to reconsider the stance that this policy does not apply to students who experience temporary health issues of a physical or mobility nature. It makes sense that any temporary health issue that would compromise a student's academic or cognitive capabilities (medications, incapacitating illness, absence from significant course work, etc.) be managed through traditional academic concessions. However, there is a subset of students</p>	<p>Please refer to the Committee's response to Comment #3 above with respect to the types of academic concessions available to students with temporary health issues.</p>

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	<p>with temporary issues such as broken bones, sprains, etc. that would affect written output who we believe would benefit from the services of A&amp;D. On balance, a student is best served by being able to take exams and assessments in the same time period as the course offering. Forcing a student with a temporary physical issue to delay an exam to a future time period creates additional stress, expense, and scheduling difficulties for that student, and may even impact progression in cases where the course or courses in question are pre-requisite to other courses. While we recognize that using a scribe might not always be effective, it would seem that for a student on the path to recovery from a temporary issue it might be possible to grant additional time to complete a final exam. Such an accommodation could be assessed and managed by A&amp;D. This is one example – there may be others.</p>	
6.	<p><b><u>Policy section 1.2:</u></b> Provide more clarity about the differences between Temporary Health Issues and Disability, especially around episodic disability/health issues.</p>	<p>The Centre's FAQs provide examples of both disabilities and temporary health issues, and explain how the accommodation process applies to a student with a disability (such as multiple sclerosis) who has periods of stability interspersed with episodes or flare ups. If there is doubt about whether a student is experiencing a temporary health issue or a disability, the Centre should be consulted.</p>
7.	<p><b><u>Policy sections 1.2 &amp; 1.3:</u></b> I am writing in response to the call for comments about potential revisions to Policy 73. I am pleased to see the interest in seeking to make procedures smoother and less administratively burdensome. This is indeed a serious concern because as the university gets larger, the tendency is towards ever larger and more intricate administration. This trend has certainly impacted my work as a classroom teacher, where the ability to respond in a humane way to the personal needs and daily circumstances of our students is becoming threatened. The matters involved are typically minor in nature, much less than the disability issues that are the subject of Policy 73. Examples include need to reschedule a test because of late arrival caused by a backup on the bridge, need to attend to a personal or family emergency, and all the usual range of daily issues. For this reason, I think that it is important to make a statement in Policy 73 to make it clear that the formal procedures that it describes apply to the specific case of long-term disability. This concept is discussed to some extent in paragraph 1.2, but I think that it is important to give further detail by adding a follow-up paragraph 1.4 (or perhaps 1.3 with the present 1.3 renumbered to 1.4):</p>	<p>The Committee doesn't feel that it is appropriate to add language within the policy regarding the faculty's prerogative to grant concessions as all these examples provided are concessions (being unforeseen events or conflicting responsibilities); these are not accommodations. Further, section 1.1 of the Policy makes it clear that the policy applies to students with disabilities.</p> <p>The Centre's FAQs also provides guidance as to when modifications or arrangements for students would be a concession vs. an accommodation.</p>

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	<p><i>1.4 This Policy is intended to complement and not replace the prerogative of faculty to make informal arrangements to accommodate students who are involved in day-to-day mishaps that have caused undeserved adverse academic consequences.</i></p>	
8.	<p><b><u>Policy section 2.1:</u></b> The Policy refers to A&amp;D/DRC – name of unit at UBC-V has since been updated to Centre for Accessibility.</p>	<p>The defined term "A&amp;D/DRC" in section 2.1 of the Policy has been amended to the "Centre" (now section 2.3) and the definition now reflects the new Centre for Accessibility office for the Vancouver campus.</p>
9.	<p><b><u>Policy sections 2.2 &amp; 2.4:</u></b> <b>Recommendation 1: Clarify Definitions of Disability and Accommodations</b> The Definition of Person(s) with a "Disability" or "Disabilities" in Policy #73, while broad, lacked the clarity and precision that would be helpful to students unsure if they would qualify for accommodations. The <b>explicit inclusion of mental illness as a basis for accommodations</b> would be helpful, as commented on by students affected by mental illness who participated in the 2014 Policy 73 Survey Results and Analysis.</p> <p><b>Clearly outlining the potential accommodations</b> that may be made for students with disabilities, while not limiting all possibilities, would allow students greater insight into what the benefits of registering with the Centre of Accessibility may be before doing so. In section 2 of the Simon Fraser University (SFU) Policy GP 26, Accessibility for Students with Disabilities Policy, potential accommodations including the provision of “visual language interpreters, note takers, alternate examination formats, [and] adaptive equipment” is mentioned, providing transparency into what measures may be possible to the point of hardship. In a similar fashion, the British Columbia Institute of Technology (BCIT)’s Policy #4501 “Accommodations for Students with Disabilities” includes potential accommodations, such as provision of support services, customized examination formats, and relocation of classes, that may be provided. While similar information for UBC is available online and is touched on in the revised Policy #73 draft, increased clarity and detail on the types of accommodations, in a way similar to SFU and BCIT, would be of benefit as well.</p> <p>Procedures for accommodation of students with disabilities in work term placements and practicum has been a priority of the University of Victoria in their Policy AC1250 “Academic Accommodation and Access for Students with Disabilities”. As UBC students partake in a wide variety of</p>	<p>The Committee does not agree with making the requested change to the definition of "Disability" as mental illness falls within "mental impairment" which already forms part of the "Disability" definition. Explicitly including mental illness as a disability would be too specific to the exclusion of other mental impairment conditions. Further, the Centre's FAQs has specifically referenced mental illness as a condition that students can be accommodated for under Policy 73.</p> <p>In terms of outlining the potential accommodations that can be made for students with disabilities, the Committee recognizes that including additional examples of available accommodations within the policy will promote awareness of what services can be provided and so section 2.4 of the Procedures has been expanded upon to include further types of accommodations (although not an exhaustive list).</p> <p>The Committee recognizes that the University also has a role in requesting accommodations for students with disabilities for activities such as work term placements. The scope of the policy has been clarified in section 1.1 of the Policy to state that the policy applies to students with disabilities engaged in a course, program or activity offered by the University, but to provide specific guidance surrounding activities such as work term placements, please refer to the Centre's FAQs.</p>

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	<p>experiences throughout their studies, further <b>clarification regarding the accommodations that may be made for students on co-op terms, exchange programs, and other educational activities</b> that do not take place on campus is necessary as well, so that equitable access to all educational opportunities is possible.</p>	
10.	<p><b>Policy sections 2.2 &amp; 2.4:</b>          What qualifies as "participation in learning"? What does this look like? Could you provide examples or guidelines for how I could determine whether a student is participating in learning? What are my responsibilities in relation to this?</p>	<p>All policies are subject to interpretation, but the University is to interpret its policies reasonably. Further, Policy 73 is subject to the <i>Human Rights Code (BC)</i> and other applicable legislation, which have a particular process to follow and which is also interpreted by the Courts.</p> <p>The Centre's FAQs will also answer what an instructor's responsibility in accommodating students is, with examples.</p>
11.	<p><b>Policy section 3.1.1:</b>          What does "inclusive" and "welcoming" look like in a course? What are the minimum requirements?</p>	<p>Please refer to the response to Comment #10 above.</p>
12.	<p><b>Policy sections 3.1.1 &amp; 3.1.2:</b>          Individual faculty members have received via their department heads, an invitation to review the proposed policy 73 and its changes. I have read the proposed Policy 73, reflected upon it, consulted with friends and colleagues, slept over it, read it again, and conclude:</p> <p><u><i>Do not implement this policy!</i></u> (or any slight revision of it)</p> <p><i>The most problematic text is found in section 3</i></p> <p><i>Quote: "Responsibilities of the University towards Students with Disabilities" 3.1. The University has a responsibility to:</i></p> <p><i>3.1.1 provide an inclusive and welcoming environment for Students with Disabilities;</i></p> <p><i>3.1.2 ensure that eligible Students are not denied admission on the basis of their Disability</i></p> <p>At first glance this may sound very progressive and emancipated but is overly coarse and categorical and parts of it are either unmanageable or even destructive to academic programs. The text for section 3 is especially naïve when it comes to understanding psychopathology and its</p>	<p>The Centre for Accessibility received a letter from Professor Linden on June 13, 2018 providing feedback on Policy 73 generally and the Director of the Centre for Accessibility responded to these comments by a June 14, 2018 email to Professor Linden. This response still stands for these comments provided for the proposed revisions to Policy 73 and is supported by the Committee. With matters such as extensions to deadlines, diagnosis and documentation surrounding excessive exam anxiety, evidence based practices, the University's legal obligation to provide accommodation (including confidentiality issues regarding disclosing a student's disability) and policies and practices across Canada already addressed in the response, the Committee further comments that:</p> <p>1. Accommodations are made on an individual basis, taking into account factors such as the functional impact of the disability and the student's field of study (see section 2.3 of the Procedures). Differentiating the types of disabilities and the available accommodations or requirements as a result is too specific for the purposes of the policy. The language in section 2.3 is adequate to provide for the variances between the types of accommodations based on differing disabilities.</p>

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<p>implications. The proposed policy may create expectations in applicants that the university will not be able to meet and that may invite litigation via Senate Hearings, administrative courts, human rights tribunals etc.... I know these comments may sound drastic; here is what led me to make them:</p> <p>The new policy tries to distinguish temporary problems and chronic disability and this is worthwhile. It clusters all types of disability together (whether physical, emotional, cognitive, or behavioral) and that is a <u>terrible decision</u> because each type of disability has completely different consequences for learning and skill acquisition. It considers everything as an acceptable disability provided it is found in the DSM 5 (or corresponding ICD) and that is very problematic as I shall show below.</p> <p>One must differentiate physical disability, cognitive disability, behavioral, and emotional disability. Physical disability (e.g., spinal cord injury requiring wheelchair use or cerebral palsy) does not affect learning capacity (no problem here). However, even physical disability can have an impact on career choice (for example, a person in a wheelchair cannot be a physiotherapist. Low cognitive ability (which is in the DSM!) prevents a student from university level learning in the first place. This student is likely not admitted because their high school grade average that makes them ineligible, and even if admitted, the student will likely fail. Psychiatric disorders are highly variable in how they affect learning potential: Chronic and severe mental illness (e.g., bipolar disorder or schizophrenia) might be accommodated if person has already functioned well for a while and is adherent to treatment (in that case prognosis is actually relatively good). If a disorder is potentially treatable but the individual refuses treatment and fails to function, then the university will also fail even with best intention.</p> <p>Students with severe personality disorders may not be able to work effectively with professionals or other students and/or interact in a problematic manner with clients. No known academic accommodation during university training will fix this and the faculty who train students in professional programs need to be given the freedom and protection to decide which individual is suitable for which profession. This argument definitely clashes with rule 3.1.2. For example, a student with a clear personality disorder does not belong into a clinical psychology graduate program and will be soon turfed out. I presume other health professions</p>	<p>2. Assembling a panel of mental health experts to review the implications of Policy 73 is not appropriate as the University still has the same legal (as well as moral) duty to provide accommodations to students with disabilities - this has not changed. The proposed revisions to the policy simply better reflect those responsibilities and at the same time provide more efficient and refined resolution processes where there is disagreement as to whether an accommodation should be made.</p> <p>3. Section 3.1.2 of the revised policy comes from section 3.1.1 of the existing policy, but has been further qualified by the word "eligible" to ensure such students are still eligible for admission. This responsibility is also consistent with the University's duty under the British Columbia <i>Human Rights Code</i> to make its services and facilities available in a manner that does not discriminate.</p>
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programs will take the same position. Students incapable of meeting deadlines can receive occasional accommodation (i.e., by moving deadlines) if the incapacity is time-limited, but cannot reasonably expect to graduate and take up a profession at a university graduate's level if they have a chronic inability to meet deadlines. If UBC constantly accommodates them, the wrong message is sent, namely that the world will continue to do so.

An underlying danger here is circular reasoning: mental illness or disorder by definition means an inability to function (at a social-emotional, behavioral or cognitive level or any combination thereof). If no psychiatric diagnosis applies, then an accommodation would typically not be sought in the first place, of course. A temporarily slowed down level of function can likely be accommodated (as it is already). But if a student has a stable diagnosis then it is because they are consistently dysfunctional and academic accommodation could not change that.

A further issue of interest for faculty, but not touched on in policy 73, is the issue of instructors not knowing how to accommodate when they cannot be told what they are supposed to be accommodating to.

### Suggestion:

I urge you to assemble a panel of experts on mental health (psychiatrists, clinical psychologists, maybe a GP) for a review of the full implications of such a policy. Once a policy is formulated (or the current version is greatly revised), it will next require detailed, reliably implementable guidelines, and all of the above should be tested against a string of vignettes of problematic cases the A&D office had to deal with in the past.

For example, consider each of the following scenarios:

[a] admit or continue supporting a student with Borderline Personality Disorder diagnosed pre-admission

[b] .. with BPD and depression diagnosed after 2 yrs at university, post admission

[c] .. student who recently developed paranoid schizophrenia (I know of a

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	<p>live example right now)</p> <p>[d] .. with ADHD, unwilling to take meds</p> <p>[e] .. with cluster A personality disorder (PD)</p> <p>[f] ... with cluster C PD; would UBC try to accommodate such a person's inability to complete work on their own?</p> <p>[g] ... with substance abuse problems, who is unreliable, irritable</p> <p>[h] ... with schizo-affective disorder</p> <p>[i] ... with agoraphobia (won't attend classes or exams)</p> <p>[j] .....head injury; has memory problems (I know a live case right now)</p> <p>My interpretation of the proposed 3.1.2 is that UBC would have to register all these students (Unless, of course, there is a plan to play a shell game with the word 'eligible').</p>	
13.	<p><b><u>Policy section 3.1.3:</u></b>          Accessible at the program level. Programs seem to hold the responsibility to identify issues to Access and Diversity. It is not clear who is responsible at the program level, how to report issues, what issues have already been reported, and what is slated to be addressed. Recommend including this type of information in the guidebook.</p>	<p>The University as an institution is responsible for making its facilities, courses, and programs accessible and so all faculty and staff are responsible for identifying issues and reporting and/or resolving issues. Anyone at the program level can identify or bring forward to the Centre what they see as an issue with accessibility. However, it is up to each program to identify what their organizational structure is for coordinating accommodations for students, especially where there are multiple people at the program level dealing with a student for accommodations. Accordingly, it is not feasible for this information to be included in materials (including a guidebook) issued by the Centre.</p>
14.	<p><b><u>Policy section 3.1.4:</u></b>          What qualifies as "to the point of undue hardship"? I find this to be really crucial, since instructors will have to somewhat make judgment calls on this point. For example, how many extra hours of work am I expected to put in to accommodate a qualified student before it becomes "undue hardship"? It would be very helpful to have precise, specific guidelines on this.</p>	<p>Further guidance surrounding what constitutes undue hardship will be addressed through the Centre's FAQs, with this specific example of writing another exam to accommodate a student's disability referenced.</p>
15.	<p><b><u>Policy section 3.4:</u></b>  <i>In my commentary below, I have used "A&amp;D" to refer to "A&amp;D/DRC".</i></p>	<p>While the Committee appreciates the importance of academic freedom in the context of academic concessions, the Centre still</p>

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	<p><b>Academic Judgment</b> Section 3.4 states:</p> <p style="padding-left: 40px;"><i>"A&amp;D/DRC is responsible for determining Accommodations for Students with Disabilities. A&amp;D/DRC is also responsible for determining a Disability-related need for academic concessions for Students."</i></p> <p>One of the key challenges with A&amp;D determinations is that, on occasion, A&amp;D has been known to seek to exercise or influence academic judgment – for example by requiring an instructor to discount a particular mid-term examination and/or by determining the suitability of particular learning outcomes or of particular assessment tools in courses. At no time should A&amp;D seek to do so. This issue is of sufficient importance in the context of the University's statement on academic freedom that I feel it must be specifically mentioned in this Policy. Therefore, I propose that Section 3.4 is modified as follows:</p> <p style="padding-left: 40px;"><i>"A&amp;D/DRC is responsible for determining Accommodations for Students with Disabilities. A&amp;D/DRC is also responsible for determining a Disability-related need for academic concessions for Students. In undertaking these responsibilities, A&amp;D/DRC shall not exercise or influence academic judgment relating to a course, program or activity, including the suitability of particular learning outcomes and assessment tools."</i></p>	<p>has a responsibility to determine when there's a need for an academic concession due to a disability, such as a flare up of an existing medical condition. To the Committee, adding further language in the policy about influencing academic judgment for a course and the suitability of learning outcomes is not necessary or appropriate here as this is adequately dealt with by the determination of what is an essential requirement, the factors for which have been established by case law (primarily in the employment context, referred to as bona fide occupational requirements) and reflected under section 3 of the Procedures. Section 3 also includes an appeal process for instructors and other University employees where they believe an essential requirement will be unmet or they will otherwise incur undue hardship.</p> <p>Section 3.4 of the Policy has been modified to provide further clarity as to the Centre and faculty/school's role in disability-related needs for academic concessions and section 2.4.1.1 of the Procedures has been removed to avoid repetition within the policy. In addition, the Centre's FAQs further explain the Centre's role in and set out the process for the Centre determining whether there is a disability-related need for an academic concession.</p>
16.	<p><b><u>Policy section 3.4 &amp; Procedures section 2.4.1.1:</u></b> I am pleased to see the modernization of this policy, and I agree with the proposed amendments, but I have a concern that does not appear to be addressed by the policy. Increasingly in my experience as an instructor for two Psychology courses, students on the Vancouver campus who have been granted academic accommodations are using their accommodation letter as an excuse to miss exams and assignment deadlines. I think this needs to be addressed. Should students who have a flare up of the condition that has led to the granting of academic accommodations be required to produce the same documentation from a health professional that is required of other students? s.3.4 (Responsibilities) and 2.4.1.1 (Procedures) state "A&amp;D/DRC is also responsible for determining a Disability-related need for academic concessions for Students.", but what is the procedure for this?</p>	<p>Students experiencing a flare up of a condition that has led to the granting of academic accommodations are not required to produce the same documentation from a health professional as extensive documentation would have already been provided to the Centre when the student initially requested accommodation for their disability (provided the documentation remains current). The Centre's FAQs explain that further documentation is not required, and who to consult with, in such circumstances.</p> <p>Please refer to the response to Comment #15 above regarding the Centre's role in and the process for the Centre determining whether there is a disability-related need for an academic concession.</p>

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17.	<p><b>Policy section 3.4:</b> [Responsibilities of the University towards Students with Disabilities] Do faculties get consulted on whether or not a concession request is disability-related?</p>	<p>Faculties do not get consulted on whether or not a concession request is disability-related. The Centre decides whether or not a concession requested is disability-related.</p>
18.	<p><b>Policy section 3.4:</b> For academic concessions (ie., late withdrawals and deferred standing) the Centre for Accessibility (referenced as A&amp;D/DRC) is providing recommendations and high level rationale for concessions to the faculty advising office.</p> <p>Modify 3.4 to say “A&amp;D/DRC is also responsible for determining a Disability-related need <i>and making a recommendation</i> for academic concessions for Students.”</p>	<p>Please see the response to Comment #16 above regarding section 3.4 of the Policy. The Centre does not recommend, but in fact <i>requires</i> that an academic concession be granted where it relates to a disability. The faculty/school then determines the specific concession to be granted.</p>
19.	<p><b>Policy section 3.4 &amp; Procedures section 2.4.2:</b> It would help to have some examples of what a “disability-related need for academic concessions” is (as opposed to a non-disability related need) and how this is different than an academic accommodation (vs concession).</p>	<p>Some examples of disability as opposed to non-disability related needs for academic concessions are included in the Centre's FAQs, as well as an explanation as to how concessions typically differ from academic accommodations.</p>
20.	<p><b>Policy section 3.4:</b> Hello, I am writing to provide feedback on the proposed amendment to Policy #73. In reviewing the policy, the Academic Advisors in the Sauder Undergraduate Office (UGO) found it helpful to have additional details included, such as information about how the policy is to be implemented. A few areas that we felt need additional clarification [including s.2.1 Policy comment above; 5.2 Procedures comment below]:</p> <ul style="list-style-type: none"> <li>• Point 3.4 under “Responsibilities of the University towards Students with Disabilities” indicates that A&amp;D/DRC is responsible for determining a need for academic concessions for Students. While this is true, students also seek academic concession from their faculty advising office and/or instructor. For example, in Sauder, a student may come to our office to request concession for a disability-related reason and provided they have provided documentation and are considered by the professor to be in good standing, the concession would be approved. This is a process we want to retain, as it gives students agency around where they seek support. Given the language of point 3.4, it is not clear if Faculties will retain the ability to grant academic concession in these instances</li> </ul>	<p>A student who wants to request a concession that is related to a disability should be going to the Centre to make the request. The Centre will then determine whether it is disability-related. As noted in Comments #16 and #18 above, the faculty/school will still be determining the specific concession that is to be granted.</p>

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21.	<p><b>Policy section 3.5: Responsibilities of the University towards Students with Disabilities</b></p> <p>The distribution of responsibilities is not very clear here. For example, the most common accommodation is extra time and a distraction reduced environment for exams. A&amp;D implements the scheduling and supervision of these exam accommodations. The distinction between 'other University employees' and 'A&amp;D/DRC' suggests that A&amp;D will take a lesser role. Does this now mean that Instructors will have to take on this responsibility? The example of exam accommodations is particularly important to understand as the supervision of exams of variable length (and longer than a standard class period) cannot reasonably be managed by individual instructors or their units. Given that this is a very common accommodation, it would be nice to explicitly state that this is a service that will be managed by A&amp;D going forward.</p>	<p>The Centre is available for consultation regarding implementation of the accommodation and the Centre's FAQs outline the Centre's and instructors or other University employees' role in such implementation.</p>
22.	<p><b>Policy section 4.1.5: Letter of Accommodation</b></p> <p>Section 4.1.5 includes:</p> <p><i>"(Students with a Disability seeking Accommodations for their Disability have a responsibility to:) at the beginning of each term or otherwise at the earliest available opportunity, provide the letter of Accommodation received from A&amp;D/DRC to the Instructors or unit from whom they are seeking Accommodation ..."</i></p> <p>While this is an appropriate ideal, this almost never works in practice. Despite repeated pleas from instructors, many students simply do not provide the letter of accommodation to each instructor, and this causes countless problems for instructors needing to arrange for accommodations at very short notice. In order to develop a more pragmatic approach that enables students to benefit more fully from the accommodations, I suggest that students instead delegate to A&amp;D the transmittal of the letter of accommodation to the instructors. This should ensure that this transmittal is undertaken in a much more timely and reliable manner. Therefore, I propose that Section 4.1.5 is modified as follows:</p> <p><i>"(Students with a Disability seeking Accommodations for their Disability have a responsibility to:) at the beginning of each term or otherwise at the earliest available opportunity, provide A&amp;D/DRC with a list of affected courses, programs or activities and associated Instructors or units, and grant permission to A&amp;D/DRC</i></p>	<p>The Committee feels strongly that students need to retain the right to choose whether or not they are going to use their accommodations or disclose that they have accommodations in any given course. The Centre disseminating letters of accommodation directly to the instructors or units would be taking this decision-making power away from students. The Committee does, however, recognize the importance of students being made aware that there may be consequences should they not provide their letter of accommodation to the instructor or unit from whom they are seeking accommodation. A sentence has therefore been added to section 4.2 of the Policy to make this clear.</p>

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	<i>to issue the letter of Accommodation to the corresponding Instructors or unit from whom they are seeking Accommodation ..."</i>	
23.	<p><b><u>Policy section 4.1.5:</u></b> On pg 4. Responsibility of Students with Disabilities, section 4.1.5 add the italics “and to other University employees, <i>including academic advising offices</i>, as appropriate”</p>	The Committee does not agree with including a specific reference to providing letters of accommodation to academic advising offices as there are differences in the processes at the two campuses and so including such wording would not reflect the processes accurately and therefore the Centre's responsibilities.
24.	<p><b><u>Policy section 4.1.5:</u></b> <b><u>Responsibilities of Students with Disabilities</u></b> What does it mean that instructors will coordinate the implementation of the accommodation at the course or program level. For exams scheduled and written at A&amp;D, quite clearly it is A&amp;D that coordinates the effort (as an example). Also, this item is in a section dedicated to the responsibilities of the student yet sections of 4.1.5 refer to responsibilities of Instructors and other University employees.</p>	Please see the response to Comment #21 above. The Committee agrees that section 4.1 is dedicated to responsibilities of the student and has removed the implementation wording in section 4.1.5 as it relates to the University's responsibilities and it is already reflected in the appropriate place in section 3.5.
25.	<p><b><u>Policy section 4.1.5 (and Policy section 3.5):</u></b> Acknowledge potential impact to a student’s progress if the coordination of accommodation is challenging or not possible within the same academic term. Sometimes instructors get the letter of accommodation just days before an exam. Best practice is represented in the policy; however, coordination of accommodation isn’t always simple. It is important to acknowledge that the coordination of an accommodation (particularly for clinical performance-based exams, e.g., OSCEs) may take more time, or may not be possible within the term. The time required to coordinate an accommodation may impact the student’s progress within the program.</p>	Please see the response to Comment #22 above. In particular, section 4.2 of the Policy has now been amended to make students aware of the consequences should they not provide their letter of accommodation to the instructor or unit from whom they are seeking accommodation at all or not within the timeframes under the policy.
26.	<p><b><u>Policy section 4.1.5 Procedures section 2.6:</u></b> Could you define “earliest available opportunity”? Does it mean before the beginning of each term, or, potentially, after? (Also, what if the “earliest available opportunity” causes a situation beyond the point undue hardship? Who will help resolve this situation in a way that does not penalize the student?)</p>	It is not possible to define "earliest available opportunity". What would constitute the earliest available opportunity would differ depending on the circumstances of each individual case. If an instructor or other University employee believes that this would result in undue hardship, then it will be addressed by the appeal process in section 3 of the Procedures.
27.	<p><b><u>Policy section 4.2:</u></b> What qualifies as “lower the academic standards of the University,”? What tools are available to evaluate whether an alternative activity/assessment/material has the same academic standard as the original? How similar do they need to be?</p>	As this wording in section 4.2 refers to lowering the academic standards of the <i>University</i> , not the program or course for which the student is seeking accommodation, the Committee feels that this wording is appropriate as is. As section 4.2 reflects the need to meet essential requirements, for further guidance in evaluating whether academic standards are compromised by alternative activities or assessments, look to sections 3.1 and 3.2 of the Procedures for those factors determining essential requirements and undue hardship.

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<b>PROCEDURES</b>		
28.	<p><b><u>Procedures section 1.2:</u></b>            Clarify when a student doesn't have protection under Policy 73. E.g., a temporary injury such as concussion or bodily injury. Programs may ask for medical documentation to help determine if the accommodation is temporary. If there is a doubt as to whether a student has a temporary health issue or a disability, the onus should be on the Student NOT the instructor or relevant University employee to consult with A&amp;D. The instructor can refer/encourage the Student to contact A&amp;D.</p>	<p>The Centre's FAQs have included examples of temporary health issues to help clarify when students don't have protection under the policy. With respect to programs requesting medical documentation for temporary health issues, it remains up to the program or faculty as to what their practice is for academic concessions for temporary health issues.</p> <p>Under section 1.2 of the Procedures, any of the student, their instructor or other University employee is encouraged to consult with the Centre where there is uncertainty about whether a student has a temporary health issue or a disability, as it depends who is the individual unsure about whether Policy 73 would apply in those circumstances. In some cases, an instructor or other University employee may be the appropriate person to contact the Centre. For these reasons, the Committee does not agree with removing the instructor or other University employee from this provision of the policy.</p>
29.	<p><b><u>Procedures section 2.2:</u></b>            7 days is not sufficient lead time; need to have at least 14 days notice for the instructors, which means more than 14 days notice to A&amp;D.</p>	<p>The current process is 7 days for requests for exam and other test accommodations, which has been the practice for years to benefit students. During the initial meetings of the Committee prior to the consultation period this time period was discussed to see if a longer period was feasible. It was decided that a longer period was not practical and was too onerous on students. This has been reconsidered by the Committee and it was determined that 7 days is still an appropriate timeframe. Also, as the Centre often does not receive exam materials from instructors until a day or two before the scheduled exam, the Committee decided that instructors' responsibilities to provide to the Centre information relating to an exam be set out in the policy to be at least 2 business days prior to the scheduled exam date. This is reflected in additional wording at the end of section 2.2 of the Procedures.</p>
30.	<p><b><u>Procedures section 2.2:</u></b>            Suggested change – Experiential placements or practicums are organized 1-year in advance for some programs. Could we establish a time frame for when accommodation requests for practicums must be received by A&amp;D (similarly to as done for exam accommodations) or could this timeframe be determined by each Faculty in collaboration with A&amp;D and the Student is responsible for identifying this timeframe at the outset of their program?</p>	<p>As the time within which placements or practicums varies across programs, including specific timeframes for accommodation requests for these within the policy is not feasible. Further information on accommodations for work place practicums or placements is included in the Centre's FAQs.</p>

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31.	<p><b><u>Procedures section 2.3:</u></b> <b>Determination of Accommodations</b></p> <p>Section 2.3 states:</p> <p><i>"In consultation with the Student, A&amp;D/DRC will review the documentation provided by the Student seeking Accommodation, identify necessary academic adjustments, auxiliary aids, and/or services, and determine the Accommodations that are reasonable and appropriate. Accommodations will be made on an individual basis, taking an intersectional and holistic view of both the individual and the environment, based on factors such as the functional impact of the Disability and the Student's field of study."</i></p> <p>However, A&amp;D is often ill equipped to determine accommodations <i>"that are reasonable and appropriate"</i> on the basis of a consultation with the student alone. This is particularly so given the current University-wide shift from a focus on content delivery towards a focus on graduate attributes, learning outcomes and – in some cases – meeting various professional requirements. This distinction is often not appreciated by students or by A&amp;D staff.</p> <p>For example, I have encountered a student request, and a corresponding A&amp;D determination, that <i>"lateness to class"</i> was a required accommodation. However, this occurred in a course in which a key learning outcome related to professional conduct (including punctuality and respectfulness). Rather than invoke the time-consuming approach requiring the intervention of the decision-maker (see Sections 3.4 – 3.6) in cases such as this, it would be far more effective for the initial determination of accommodations to take account of consultation with the instructor (perhaps with a review of relevant information such as course syllabi). Therefore, I propose that Section 2.3 is modified as follows:</p> <p><i>"In consultation with the Student and with the relevant instructors or units, A&amp;D/DRC will review the documentation provided by the Student seeking Accommodation, identify necessary academic adjustments, auxiliary aids, and/or services, and determine the Accommodations that are reasonable and appropriate. Accommodations will be made on an individual basis, taking an intersectional and holistic view of both the individual and the</i></p>	<p>The Committee considered this request to include in section 2.3 a requirement that the Centre consult with instructors and units in determining the appropriate accommodations. There is already an elaborate process in the policy to deal with expected outcomes of a course believed to be compromised by an accommodation, which involves both an informal process between the Centre and the instructor/unit (section 3.3) as well as a formal process (sections 3.4 to 3.6), as noted by this Professor, and including such a requirement to consult with instructors initially would likely slow down the accommodation process, to the detriment of the student. There are also confidentiality issues with disclosing a student's disability. Instructors and other University employees are invited to speak to the Centre about any of the accommodations listed for a student. This is further explained in the Centre's FAQs.</p>
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	<p><i>environment, based on factors such as the functional impact of the Disability and the Student's field of study."</i></p> <p>[There are ways to make this consultation relatively efficient, for example, by consulting the instructor on the basis of a draft list of accommodations in a particular course, prior to finalizing the letter. Also, this consultation would relate to academic impacts only and exclude any discussion of disabilities.]</p>	
32.	<p><b><u>Procedures section 2.4.1:</u></b> Suggested change – Add a statement re practicum-related accommodations as well?</p>	<p>Please refer to the response to Comment #9 above re work term placements and practicums, as well as the Centre's FAQs. The Committee feels that including reference to practicum-related accommodations as an example in the policy itself is not necessary (it is not feasible to list all types of accommodations can be listed within the policy itself) and is better explained in the Centre's FAQs.</p>
33.	<p><b><u>Procedures section 2.5:</u></b> <b>Accommodation Letter Notations</b></p> <p>Section 2.5 states:</p> <p><i>"A&amp;D/DRC will prepare a letter of Accommodation which details the specific Accommodation A&amp;D/DRC has determined, and explains how to implement that Accommodation."</i></p> <p>Unfortunately, the A&amp;D letter often contains cryptic notes that are unhelpful to the instructor and student, and that are sometimes inappropriate with respect to a particular course. For example, I have found the following accommodations (identified in different letters and different courses I have taught, all within a particular term):</p> <p><b><i>Learning/Assignment Accommodations</i></b></p> <ul style="list-style-type: none"> <li>• Access to course syllabus in advance of course start date</li> <li>• Provision of course materials in alternate format (e-text provided by our office on request by student)</li> <li>• Mobility during class</li> <li>• Will need to sit down during labs</li> <li>• Specialized seating in the classroom</li> <li>• Consideration for lateness to class</li> <li>• Extended time on "in-class" assignments</li> </ul>	<p>While the Committee appreciates that providing lists of accommodations for each student that are specific to a particular course, program or activity could be more instructive, the Centre simply does not have the resources to tailor the letter of accommodations this way, particularly given the limited window within which the accommodations need to be determined and processed. Also, the list of accommodations is intended to be a generic list so that the instructor or other University employee exercises their own inherent authority to decide how to appropriately fulfill those accommodations for their course, activity or program. For these reasons, the Committee decided not to make changes to section 2.5 of the Procedures.</p>

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### ***Exam Accommodations***

- Extended time (x1.5) for exams
- Distraction-reduced environment
- Private space
- Writes at Access & Diversity
- Use of a computer with spellcheck
- Consideration for spelling
- Use of a calculator

There are three issues relating to these notations:

- First, a number of the listed accommodations are inappropriate for certain courses, so that a generic letter applicable to all courses causes confusion and may lead to notable inefficiencies by requiring the intervention of the decision-maker (see Sections 3.3 – 3.6). For example "*lateness to class*" is inappropriate in a course in which a key learning outcome relates to professional conduct (including punctuality and respectfulness).
- Second, a number of the listed accommodations are unclear and ambiguous. For example it is not clear whether "*use of a calculator*" implies that the student must use, or cannot use, a calculator, or perhaps requires a specific kind of calculator?
- Third, it is unclear how relevant or essential are some accommodations, for example as with the accommodation "*access to course syllabus in advance of course start date*," especially when issued to the instructor after course start date. Again this causes confusion and may lead to notable inefficiencies.

Therefore, I recommend that the letter of accommodation is specific to a course, program or activity and that Section 2.5 is modified along the following lines:

*"A&D/DRC will prepare a letter of Accommodation which provides details and clarity regarding the specific Accommodation(s) A&D/DRC has determined, including any under both test conditions and the learning environment, and as relating to each relevant course, program or activity, and which explains carefully how to implement those Accommodation(s)."*

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34.	<p><b><u>Procedures sections 2.5 &amp; 2.6:</u></b>          It is not very clear in this draft who will be responsible for implementing various accommodations. Enhanced clarity on services that A&amp;D will continue to provide might be helpful here (e.g. exam scheduling and proctoring). The lack of clarity on these points may originate from the new language in the 'Background and Purpose' section referring to Universal Instructional Design Principles. That statement, coupled with repeated references throughout the draft policy to the instructor's obligation to implement recommended accommodations creates a great deal of ambiguity as regards the rest of the policy. This section does appear to imply that the instructor and/or their home unit will be responsible for additional work for which there does not appear to be associated compensation.</p>	<p>Please see the response to Comment #21 above regarding implementation of accommodations. The Centre's FAQs include guidance on instructors' responsibilities with respect to implementation of accommodation, including the services the Centre provides for implementation of accommodations.</p>
35.	<p><b><u>Procedures section 2.6:</u></b>          Need to state consequences for students if they do NOT provide instructors with letter at beginning of term. In my previous consultation with the Director of A&amp;D, I was informed that Faculty can say "no" to student accommodation requests if the student does not provide letter at beginning of term.</p>	<p>As mentioned in the response to Comment #22 above, new wording has now been added at the start of section 4.2 of the Policy to make it clear to students that failure to comply with their responsibilities under the policy (which, under section 4.1.5 of the Policy, includes providing their letter of accommodation to their instructor or unit at the beginning of each term or otherwise at the earliest available opportunity) may result in delays in providing the accommodation or the appropriate accommodation not being provided.</p>
36.	<p><b><u>Procedures section 2.6:</u></b>  <b>Apparent Redundancy</b></p> <p>Section 2.6 includes:  <i>"At the beginning of each term or otherwise at the earliest available opportunity, Students are expected to provide the letter of Accommodation given to them by A&amp;D/DRC to each Instructor or unit from whom they are seeking Accommodation, in order for the Student to be able to benefit from the recommended Accommodation. ...."</i></p> <p>This statement largely overlaps with Policy Section 4.1.5. I suggest that it would be more effective to modify the wording of Section 2.6 so as to avoid a partial repetition of text, but rather make reference to Policy Section 4.1.5, while providing elaborations as may be necessary.</p>	<p>The Committee recognizes that part of the text in section 2.6 of the Procedures repeats what is already stated in section 4.1.5 of the Policy, however, the statement in section 4.1.5 is more general and then expanded upon in the Procedures under section 2.6, and so the Committee feels it is appropriate to leave this wording as is.</p> <p>Also, the wording "in order for the student to be able to benefit from the recommended Accommodation" has been removed from this section as this is no longer necessary given the new clearer language added to section 4.2 surrounding consequences for students not meeting their responsibilities under the policy.</p>
37.	<p><b><u>Procedures section 3.1.1:</u></b>          Change section 3.1.1 to: "a substantial risk to health or safety <i>to the student or others.</i>"</p>	<p>The Committee considered making this suggested change and agreed that this additional reference to students or others should be included.</p>

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38.	<p><b><u>Procedures section 3.1.3:</u></b>          What qualifies as “significant impact on the viability of a course”? In particular, how should I go about measuring the impact and its significance and, crucially, what is meant by "viability" in this context?</p>	<p>What may constitute financial or logistical challenges that would have a significant impact on the viability of a course varies based on, and is to be considered in the context of, the circumstances of each individual case. Further details about these concepts therefore cannot be included in the policy. The Committee notes that the Centre can be consulted for further guidance on these concepts.</p>
39.	<p><b><u>Procedures section 3.2:</u></b>  <b>Essential Requirements</b></p> <p>Section 3.2 includes:</p> <p style="padding-left: 40px;"><i>"For the purposes of this Policy, essential requirement(s) are the tasks or requirements of a course, program or activity that must be acquired or demonstrated in order for a Student to successfully meet the objectives of the course, program or activity, that cannot be altered without compromising the fundamental nature of the course, program or activity. ..."</i></p> <p>I suggest that "<i>without compromising the fundamental nature of the course ...</i>" is much too broad, and is not consistent with the University's responsibilities (Policy Section 4.2): "<i>Providing Accommodation shall not lower the academic standards of the University, and shall not remove the need for evaluation or assessment and the need to meet essential requirements.</i>" There are many cases where students are required to meet one or more learning outcomes in order to meet essential requirements, whereas not doing so would not be considered to compromise the "<i>fundamental nature of the course.</i>" For example, if one of ten learning outcomes relates to professional conduct, then I believe that a student must successfully meet this specific learning outcome or objective, even though not doing so would not comprise the "<i>fundamental nature</i>" of the course. Therefore, I propose that Section 3.2 is modified as follows:</p> <p style="padding-left: 40px;"><i>"For the purposes of this Policy, essential requirement(s) are the tasks or requirements of a course, program or activity that must be acquired or demonstrated in order for a Student to successfully meet the objectives of the course, program or activity, that cannot be altered without compromising all the learning outcomes or deliverables of the course, program or activity."</i></p>	<p>In the Committee's opinion, section 3.2 of the Procedures is not general or broad in nature. This section sets out a 3 part test developed from case law on what constitutes "essential requirements", and the specific term "fundamental nature" comes from this case law. Also, learning outcomes are different to essential requirements, and it is the latter that would constitute undue hardship. For these reasons, the Committee does not feel it would be reasonable to change the current wording "fundamental nature of a course, program or activity". The Committee wishes to highlight that there are still the 3 elements to the test of essential requirements set out in sections 3.2.1-3.2.3 that provide the specifics to the first sentence as to what essential requirements are, including, for example, requirements that the task or requirement be rationally connected and reasonably necessary to fulfilling the course. Also, the end of section 3.2.3 has now been removed as the Committee felt that this wording created some confusion by referring back to undue hardship when failing to meet an essential requirement is itself a type of undue hardship.</p>

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<p>40.</p>	<p><b><u>Procedures sections 3.2.1 &amp; 3.2.2:</u></b>          I am a current UBC undergraduate student with a disability and I am registered with A&amp;D. I would like to provide a bit of feedback on the proposed accommodations policy.</p> <p>Firstly, I would like members of the board and senate to read this Ubyyssey article which was written last year (<a href="https://www.ubyssey.ca/features/bare-minimum-ubc-is-a-maze-for-students-with-disabilities/">https://www.ubyssey.ca/features/bare-minimum-ubc-is-a-maze-for-students-with-disabilities/</a>). This writer interviewed UBC students that have a wide range of disabilities and chronic illnesses and I think it gives a good representation of the types of people that need to be considered for accommodations at UBC. The article talks about some things in particular that I think need to be put into policy. This includes having A&amp;D disclose exactly what accommodations can be requested, in detail, and preferably online or in a paper package. For example, I had no idea that I could request to have priority course registration or housing until I was casually mentioning this to my advisor. This would have made my first and second year go so much smoother if I had known that I was able to request these things.</p> <p>I would also like to see more clarification in the policy on how it deals with accommodating students with disabilities when it comes to program entrance requirements such as the competitive averages and the credits needed to take per term. I particularly have an issue with the wording of 3.2.1 and 3.2.2. I would also like the policy to clarify who gets to decide which requirements are essential.</p>	<p>Firstly, it is not possible for the Centre to provide an exhaustive list of the accommodations that can be made for students as they are tailored to the specific circumstances of each case, with some only being provided in rare circumstances. The Committee recognizes the importance of bringing awareness to students with disabilities of the types of accommodations that could benefit their participation at the University and so section 2.4 of the Procedures has been expanded upon to include further types of accommodations, and a non-exhaustive list of examples of more common accommodations has been included on the Centre's website or otherwise in the Centre's FAQs.</p> <p>Secondly, who determines which requirements of a course, program or activity are essential varies depending on the course, program or activity and so the Committee felt that further guidance as to who may identify the essential requirements was better placed in the Centre's FAQs than in the policy itself. Please see the Centre's FAQs for further information in this regard.</p>
<p>41.</p>	<p><b><u>Procedures section 3.2.3:</u></b>          Section 3.2.3 of the Procedures states that determining whether something is an essential requirement "includes a requirement to demonstrate that it is impossible to provide an Accommodation without undue hardship." The word "impossible" should be changed to "unreasonable".</p>	<p>This sentence in section 3.2.3 of the Procedures has been taken out as the Committee felt that this wording was circular, creating confusion by referring back to undue hardship when failing to meet an essential requirement is itself a form of undue hardship.</p>
<p>42.</p>	<p><b><u>Procedures section 3.4.1:</u></b>          Section 3.4.1 of the Procedures states that the final decision-maker is the Registrar. This is not reasonable; the final decision-maker should be the Dean.</p>	<p>The Committee considered this alternative, however it decided to maintain the Registrar as the appropriate person to make this decision. This is more consistent with the Senate policy on program requirements, which makes the Registrar the ultimate decision-maker. Also, the Committee decided that maintaining a single decision-maker would promote consistency in decisions and would also help to avoid unnecessary delays or trauma to the parties affected by the decision. However, to ensure that the Deans have a</p>

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		<p>voice in the decision, the Committee added a requirement for the Registrar to consult with the relevant Dean, and also to consult with the Centre, the relevant instructor or other University employee, and the Office of the University Counsel, as appropriate.</p>
43.	<p><b><u>Procedures section 3.6:</u></b>          Section 3. 6 of the Procedures states that “Pending this final decision, the Instructor or other University employee will be required to implement the Accommodation determination of A&amp;D/DRC.” This could result in substantial hardship for the instructor and encourages the student to “run down the clock”. This sentence should be removed and, in its place, the decision-maker should be required to make a decision in a timely manner.</p>	<p>The Committee considered this request to remove the "pending this final decision" language and replacing it with the decision-maker being required to make a decision in a timely manner. The Committee does not agree with doing so due to the principle of fundamental fairness. This is the way other decisions are processed at the University; that is, the original decision stands until it is overturned. Also, providing accommodation in favour of the student in the interim that turns out to be done in error (as it is determined by the decision-maker to incur undue hardship) is much better than the student being deprived of an accommodation during this time which the decision-maker then determines should be provided, as there's the possibility that it may not be able to be retroactively remedied, to the student's detriment. The Committee feels that it is important that during this resolution process, which could last several weeks or potentially even up to the end of the course, program or activity for which they are seeking accommodation, the student is not left without any accommodation.</p>
44.	<p><b><u>Procedures section 3.6:</u></b>  <b>Instructor Reaction to Accommodations</b></p> <p>Section 3.6 states:  <i>"The decision of this decision-maker as to whether an Accommodation would incur undue hardship is final, and A&amp;D/DRC will amend its Accommodation determination if required to comply with this decision. Pending this final decision, the Instructor or other University employee will be required to implement the Accommodation determination of A&amp;D/DRC."</i></p> <p>I question the suitability of the final sentence. In the event that the decision-maker subsequently endorses the position of the Instructor regarding a particular accommodation, a suitable remedy may readily be applied retroactively (e.g. through a marks adjustment) and in any case the student has the right to appeal. On the other hand, in the event that the decision-maker endorses the position of A&amp;D, the retroactive application of a remedy may not be possible and in any case the instructor has no right to appeal. For example, the interim implementation of an</p>	<p>Please see the response to Comment #43 above. Additionally, the Committee's concern with including language that pending the final decision an interim implementation of the accommodation will be decided (in consultation) by the decision-maker, is that by the time the decision-maker has determined the interim implementation, they could have made the actual decision regarding the accommodation (i.e. the process is further delayed).</p>

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	<p>accommodation of "extended time on in-class clicker quizzes" would incur undue hardship (in significantly disrupting a course) that cannot be remedied, whereas the non-implementation of this accommodation can readily be remedied through a marks adjustment. But there are counterexamples. Therefore I suggest that the decision-maker confer with the instructor and A&amp;D and make an interim decision on this aspect.</p> <p>Therefore, I propose that Section 3.6 is modified as follows:  <i>"The decision of this decision-maker as to whether an Accommodation would incur undue hardship is final, and A&amp;D/DRC will amend its Accommodation determination if required to comply with this decision. Pending this final decision, the decision-maker will confer with the instructor or other University employee and A&amp;D/DRC in order to decide on the interim implementation of the Accommodation."</i></p> <p>By the way, overall I applaud the reference to a decision-maker in the proposed policy, since A&amp;D personnel may be ill equipped to assess issues beyond those relating to a student's disability. As a particular example, a research supervisor has stated, based on the written record: <i>"this message makes it pretty clear that they are using medical justification for something that is clearly not a medical issue."</i> In such a case, a broader assessment by the decision-maker would be more meaningful than the current approach of A&amp;D investigating its own decision.</p>	
45.	<p><b><u>Procedures sections 4.1 - 4.6:</u></b>  <b>Recommendation 2: Third-Party Documentation</b>          The current provisions of Policy #73 place the responsibility of disability identification on the student. Documentation from a registered professional is required for accommodations to be made, though UBC does not provide any resources to acquire a diagnosis. For certain disabilities, such as learning, hearing and visual disabilities, additional documentation is required for informational reasons. For students who have not been diagnosed with a disability, or have disability documentation that does not meet the requirements (i.e. being 17 years old at the time of testing), undergoing additional testing can be time consuming and expensive, providing another barrier to receiving equitable educational access. Though the Centre for Accessibility will "provide reasonable assistance to students in providing the appropriate documentation", there remains a cost that must be borne by the student that could be prohibitive to being allowed accommodations.</p>	<p>The Committee views temporarily being unable to be academically productive or perform adequately as a concession, not an accommodation. As this policy applies to accommodations, the documentation requirements of the policy wouldn't apply to those circumstances. However, while the Committee appreciates that students with a mental illness may not have seen a medical professional, allowing for family members, staff or friends to provide documentation in place of health professionals could be problematic for a few reasons, including taking away the independent assessment of the student. On occasion and depending on the circumstances, the Centre may accept documentation from other health professionals, such as naturopaths, for supplementary reasons. Students can consult with the Centre for guidance on the documentation that would be sufficient for their particular circumstances.</p>

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	<p>For accommodations on the basis of mental illness, there are additional barriers at play. In Canada, 49% of those who feel they have suffered from depression or anxiety have never seen a medical professional, which suggests that a significant proportion of UBC students may be affected by undiagnosed mental illnesses. Apart from the existing stigma surrounding mental illness and poor mental health, this places a burden on students who may not have the time or finances to set up diagnostic appointments.</p> <p>Allowing <b>recent third-party documentation from counselors, staff, family, or close friends</b> who are able to comment on the detrimental effects of a student's mental health conditions on their academics would provide a more accessible way for students to prove the hardships they face and could also act as a supplement to diagnoses by health professionals. In situations where a student is "temporarily unable to be academically productive or perform adequately", Dalhousie University allows for counsellors to write brief letters to professors to suggest a bit of flexibility in course deadlines and evaluations. While this does not provide a substitute to documentation for an ongoing disability, this does allow for increased flexibility on the advice of a professional in the field, permitting temporary accommodations to be granted in a more timely fashion, when it is needed.</p> <p>At present, students may be provided with "accommodations on a limited basis without documentation", in exceptional circumstances. By allowing for more robust options for third-party documentation, this could be expanded to circumstances with slightly less urgency or allow these accommodation determinations to be longer-term rather than on a limited basis.</p>	
46.	<p><b><u>Procedures section 4.6:</u></b> <b>Absence of Documentation</b></p> <p>Section 4.6 states: <i>"In exceptional circumstances, at the sole discretion of A&amp;D/DRC, a Student may be provided Accommodation on a limited basis without documentation."</i></p> <p>Earlier, Section 4.2 (...) had stated: <i>"Documentation submitted should outline the nature of the Disability, along with a detailed explanation of the functional impact of the Disability. A diagnosis alone is not sufficient to support a request for an Accommodation."</i> There are two issues with this</p>	<p>The Committee does not agree with including consultation with the instructor or unit in determining whether or not the student should be provided accommodation on a limited basis without documentation as from a privacy perspective the instructor or unit shouldn't be involved in this process. There are confidentiality issues with disclosing a student's disability; as stated in section 4.4 of the Procedures, all medical information obtained by the Centre is to be treated as confidential.</p> <p>Sections 3.4-3.6 of the Procedures only apply where the instructor or unit believes providing the accommodation would cause undue</p>

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	<p>statement. First, I feel that Section 4.6 appears to be unduly arbitrary, with no associated accountability, so that, as a minimum, the consultation with the instructor envisaged in Section 2.3 (as I have proposed) should remain in effect. Second, it is unclear whether or not Sections 3.3 – 3.6 remain in effect. Therefore, I propose that Section 4.6 is modified as follows:</p> <p style="text-align: center;"><i><u>"In exceptional circumstances, but subject to consultation with the instructor or unit, A&amp;D/DRC may decide that a Student is provided Accommodation on a limited basis without documentation. For clarity, Sections 3.4 – 3.6 as relating to the role of the decision-maker apply also to such circumstances."</u></i></p>	<p>hardship. Whether or not there is documentation for a student's disability is not a ground for undue hardship and so it is not relevant to sections 3.4-3.6 of the Procedures.</p>
47.	<p><b><u>Procedures section 5.2:</u></b> <b>Director of Investigations</b></p> <p>Section 5.2 includes: <i>"If the resolution process outlined in section 5.1 above is not resolved to the Student's satisfaction, the Student may, as soon as possible but in no event later than 14 calendar days after being notified of the individual's decision, appeal to the Director of Investigations ..."</i></p> <p>It is not clear who is the Director of Investigations, and this needs to be clarified, perhaps in Policy Section 2.</p>	<p>The Director of Investigations has now been replaced by the Responsible Executive for Policy 73 (identified on page 1 of the policy) for the purposes of student appeals under section 5 of the Procedures. After further considering the Director of Investigations' role in Policy 3 (Discrimination and Harassment), the Committee felt that there was potential for a conflict of interest if after an appeal under section 5.2-5.3 of the Procedures, a student commenced a complaint under Policy 3. Accordingly, clarifying who the Director of Investigations is, is not necessary.</p>
48.	<p><b><u>Procedures section 5.2:</u></b> Request clarity within the document – include that the Director Investigations reports to the University Counsel office.</p>	<p>Please refer to Comment #47 above.</p>
49.	<p><b><u>Procedures section 5.2:</u></b> Point 5.2 under "Student Appeals" indicates that a student may appeal to the Director of Investigations or their Delegate. This seems inconsistent with the mandate of the Independent Investigations Office, whose website indicates they investigate complaints under Policies #131 and #3 (<a href="https://investigationsoffice.ubc.ca/">https://investigationsoffice.ubc.ca/</a>)</p>	<p>Please refer to Comment #47 above.</p>
<b>GENERAL</b>		
50.	<p>Retrospective accommodations are problematic. Are these covered by the policy? How are these not concessions?</p>	<p>The Committee understands that the question being asked here is with respect to unpredictable flare-ups of a disability that are not mitigated by the proactive accommodations the student was granted. This would be processed as an academic concession and as it relates to a disability, the Centre would determine the need for an academic concession in these circumstances, as set out in section 3.5 of the Policy. Which concession will be granted is</p>

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		the responsibility of the faculty or school. Why the Centre would consider an academic concession and the process for determining a disability-related concession is further explained in the Centre's FAQs.
51.	Who is responsible for bearing costs incurred by the department/instructors under the policy? A central unit? The student's program? The department offering the course?	The Centre's funds pay for certain accommodation services, but other costs (for example, instructor or administrator time) that may be incurred in the process of accommodating a student are deemed to be a part of the department's activity and are not covered by the Centre. This is explained in the Centre's FAQs.
52.	What is the distinction between a short term injury and a disability? This is unclear in the policy.	Some examples of short term injuries and disabilities are included in the Centre's FAQs to show the distinction between these two terms.
53.	<p>I am concerned at the University's need to provide streamline disability accommodation while not recognizing the uniqueness of medicine and nursing as more than degrees but as professions where others' lives and wellness depend on the professional's ability to perform maximally, both mentally and physically.</p> <p>I feel that there needs to be separate clauses for these professions/faculties within the proposal or that there needs to be a separation between academic disability accommodation and physical and mental disability accommodation.</p>	The University has a duty to accommodate students with all types of disabilities, which includes in all types of degrees or professional programs. However, there is a limitation to the duty to accommodation where doing so would cause undue hardship, such as compromising the essential requirements of a program. The Committee feels that it would not be appropriate to have separate clauses for certain professions/faculties or for accommodations for physical and mental disabilities, as this would be far too specific to the exclusion of other professions/faculties and of variables that may impact how accommodations in these circumstances would be dealt with. The Committee's view is that the current procedure in the policy that applies when an instructor or other University employee believes that providing an accommodation would compromise the essential requirements of a course, program or activity or would otherwise incur undue hardship (i.e. section 3 of the Procedures) is the appropriate way of taking into account any specific requirements for degrees or programs for these professions.
54.	The word "reasonable" is used multiple times in the document. "Reasonable" can be very subjective, and for this reason I think it is very important to define it more objectively. What I consider reasonable may not be reasonable to others, and vice versa! For example, I develop my course materials, activities and assignments for Term 1 between mid-July and mid-August, so this would be the reasonable time, for me, to receive information about any accommodation that I may need to provide to students enrolled in the class.	What is "reasonable" is what would be appropriate depending on the particular situation. It is a matter of interpretation. In the policy, "reasonable Accommodation" is used because under human rights case law, an accommodation would not be reasonable where it would incur undue hardship. The Centre's FAQs include further information about undue hardship in the context of accommodations for students with disabilities at the University.
55.	<b>General Comments on UBC Recommendations to Policy #73</b> The AMS of UBC strongly supports the amendment to Policy #73 that	The Committee appreciates the support for non-academic accommodations for students falling within the scope of the policy.

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	<p>formalizes that accommodations made for students with disabilities are not limited to solely academic accommodations. Non-academic accommodations coordinated through the Centre for Accessibility (formerly named Access &amp; Diversity), such as housing and parking accommodations, are also important to removing the barriers to equitable educational access.</p> <p>To ensure that the wide variety of experienced disabilities are understood and accounted for, it would be beneficial to create liaison positions to serve as student advocates on disability issues in each Faculty. The position of Disability Liaison Person is not currently a recognized function at UBC and therefore has been removed from the revised Policy #73 draft. However, it would likely be beneficial for a standard practice of a check-in between disability advisors and students with disabilities once per term, at a minimum. As each student's situation and disability or disabilities are unique, personalized attention will ensure that truly equitable access to education is attained by all students.</p>	<p>Creating liaison positions for student advocates in each faculty would, in the Committee's opinion, result in too many people disseminating information about a student's accommodation and disability, which is problematic from a privacy perspective. The Directors of the faculty advising offices now play a role in navigating accommodations for students for their particular faculty, as the Disability Liaison Person would have done in the past for the Vancouver campus (the Okanagan campus did not have a Disability Liaison Person).</p> <p>While the Committee understands the benefits to students with disabilities of receiving personalized attention, the Centre does not have the resources to check in with each student at least once per term. Also, many students who have accommodations for their disabilities do not want to meet that regularly, finding it unnecessary. Students are encouraged to speak to their accessibility advisor at the Centre about any concerns they have.</p>
56.	<p><b>Recommendation 4: Increased Awareness and Other Tools</b></p> <p>Having a strong infrastructure in place for students affected by mental illness and poor mental health is necessary, but these resources cannot be utilized if students are not aware of such supports. UBC would benefit by <b>increasing the promotion of the Centre for Accessibility and the Disability Resource Centre</b>. While this is not a proposed recommendation for Policy #73 itself, it furthers the work done by the policy and is necessary for the policy to be effective.</p> <p>Some post-secondary institutions, such as the University of Western Ontario, use a <b>disability accommodations handbook</b> distributed to students to inform them of how accommodations policies work and how to navigate the process of getting an accommodation. This is an extremely useful resource, which can relieve the stress that this process places on students' mental health, and greatly increasing the visibility of the resources that are available to students. The University of Western Ontario also created a handbook for faculty to increase awareness of accessibility procedures among instructors. A handbook providing a breakdown of Policy #73, the steps involved in acquiring accommodation, the responsibilities of the student and the university, and alternative resources for students struggling with mental health would help make the benefits of Policy #73 better known and understood. <b>Increased training</b></p>	<p>The Centre has developed a set of FAQs on its website to provide information to students, faculty and staff about how the University interprets and implements Policy 73. This is a key tool in bringing awareness about the accommodation process. The Centre's FAQs also highlight, with examples, the kinds of accommodations that can support students with disabilities at the University in a number of circumstances.</p> <p>Also, once the revised policy is finally approved, the Centre will be implementing other forms of communications of the FAQs (including hard copies) and supplementary materials regarding accommodations under the policy, to maximize dissemination of this information across both campuses. The Centre will also work with University units such as Human Resources and the Centre for Teaching, Learning and Technology on training and professional development opportunities for instructors and other University employees to increase their awareness of the policy and their role in providing accommodations for students with disabilities at the University.</p>

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	<p><b>opportunities for university staff</b>, to enhance their awareness of and confidence to address disability issues, is also crucial to the successful implementation of Policy #73.</p> <p>SFU allows for students with disabilities who have already established their accommodations to renew their accommodations via an Online Accommodations Renewal module. Allowing a similar <b>online option to renew established accommodations</b> for students who do not require changes to their accommodations will save time for both students and the Centre for Accessibility.</p> <p><b>Increasing the profile of the accommodations measures</b> that UBC could take to support students with disabilities would provide accommodations more closely aligned with the needs of the student at hand. Making wheelchair assistance available on campus would further the benefits of the UBC Accessibility Shuttle operating on campus. Allowing for extended library loan periods, extended deadlines for assignments rather than just exams, and early course registration, reduced course load requirements would allow students with disabilities to work at a pace at which they can perform at their best.</p>	
57.	<p><b>Recommendation:</b> Identify who is responsible at the University to interface with health authorities when they won't take a student, keep in mind that we are working in a milieu of institutions and students competing for limited placements.</p> <p><b>Recommendation:</b> Include how programs can demonstrate that they have done the very best both regarding real action and perceived action for students needing accommodations. However, UBC cannot force another agency (e.g. Health Authority) to take on a student.</p> <p><b>Recommendation:</b> Include a guidebook will accompany the policies. Ex.:3.13- each program should identify different people and different titles involved including fieldwork coordinator, vs. AACE (physio). The hope is that the Centre for Accessibility would also consult those folks for edits and the guidebook.</p>	<p>The Committee recognizes that third parties, such as health authorities, cannot be compelled to implement accommodations for a practicum for a student with a disability. Further information regarding how practicums and work term placements are dealt with under the policy is included in the Centre's FAQs and the Director, Centre for Accessibility has invited the Practice Education Manager for Health to have an ongoing conversation about the appropriate liaison in such circumstances.</p> <p>Please refer to the response to Comment #13 above regarding the identification of persons within the program dealing with students for accommodations.</p> <p>New wording has been added to section 3.3 of the Policy to clarify that the Centre is responsible for creating and maintaining information on a University website to provide guidance to the University community about implementation of this policy. Currently, this is in the form of FAQs of the Centre. Please also refer to the response to Comment #56 above as to the guidance for, and bringing increased awareness of, the policy. Faculty and</p>

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		<p>staff are welcome to contact the Centre with suggestions on items to include in the FAQs and any other materials providing guidance for the policy. The Centre may take these into consideration but ultimately has the discretion to determine what content is included in the materials produced.</p>
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## **Frequently Asked Questions about Policy 73 (Accommodation for Students with Disabilities)**

The purpose of these Frequently Asked Questions is to provide information about how the University interprets and implements Policy 73 (Accommodation for Students with Disabilities). These FAQs summarize complex legal and procedural matters, and are merely intended to supplement the Policy, not to replace it. Wherever there is an inconsistency between these FAQs and the Policy, the Policy governs. The Centre for Accessibility on the Vancouver campus and the Disability Resource Centre on the Okanagan campus (collectively referred to as the “Centre”) are available to answer questions about the Policy.

### **1) Why does UBC accommodate students with disabilities?**

As a matter of principle, UBC is committed to promoting human rights, equity and diversity, and it also has a legal duty under the *BC Human Rights Code* to make its goods and services available in a manner that does not discriminate.

### **2) How does UBC accommodate students with disabilities?**

UBC’s Board of Governors and Senate have approved a joint policy, Policy 73 (Accommodation for Students with Disabilities) that sets out principles and processes governing the accommodation of students with disabilities.

### **3) What is the role of the Centre in the accommodation process?**

Under Policy 73, the Centre is responsible for assessing requests from students for accommodations. This provides a number of important benefits:

- assuring privacy for the students who are requesting accommodations (they do not have to share medical details with their instructors)
- promoting consistency in decision-making across the institution
- shielding instructors from any appearance of advertent or inadvertent bias

### **4) Who does Policy 73 apply to?**

Policy 73 applies to students with disabilities who are engaged in a course, program or activity offered by the University. Under the definition in the Policy, a “student” includes a person who is registered in credit or non-credit courses offered by the University, as well as a person who has formally applied to the University as a prospective student. For clarity, Policy 73 does not apply to medical residents because they are not “students”.

### **5) How is eligibility for accommodations determined?**

Accommodations are intended to remove barriers experienced by individuals with disabilities. To be eligible for an accommodation, students will need to provide clear,

current and credible medical information to establish the existence of a disability and to show that the disability has created a barrier to their full participation at the University.

The Centre identifies a range of accommodations based on the documentation provided by the student, the history of accommodation, and any other information provided by the student. In determining accommodations, the Centre must consider the unique circumstances of each case. The implementation of specific accommodations depends on the nature of the activity and is determined in collaboration with the student and the appropriate University administrators and/or faculty members. Reasonable and appropriate accommodations will be provided to students as long as they do not create an undue hardship for the University.

#### **6) What are the documentation requirements for accommodations?**

Students must provide clear, current and credible medical information from a certified and/or licensed professional who has specific training, expertise, and experience in the diagnosis of conditions for which academic or other accommodations are being requested. For example, a student requesting accommodations for a learning disability must provide a psycho-educational assessment. Similarly, a student seeking accommodations for a visual disability is required to provide an ophthalmology report. Documentation must describe the nature of the disability and include a detailed explanation of the functional impact of the disability. The documentation must provide sufficient detail so that the Centre can determine appropriate and reasonable accommodations that will minimize the impact of the disability.

#### **7) Does UBC have a list of available accommodations?**

As accommodations are tailored to each student's particular circumstances, it is not possible to have an exhaustive list of available accommodations. The following are examples of more common accommodations that may be provided in appropriate circumstances if supported by the medical information that has been provided:

- note-taking
- sign language interpreting
- extended time to write exams
- distraction reduced environment to write exams
- alternative formats for course materials
- customized exam formats
- adaptive equipment or assistive technology
- relocation of classes
- audio recording of lectures

## 8) What are some examples of when a student with disabilities might require accommodation?

For illustrative purposes only, here are examples of when students with disabilities could require UBC to provide common types of accommodations - where appropriate and medically supported:

**Accommodation:** Extended time to write exams and/or a distraction reduced or private space for exams.

**Examples of Students who may require this Accommodation:**

- A student with learning disabilities that impact visual comprehension and written output may require additional time to read and interpret exam questions and to formulate their written responses.
- A student with Obsessive Compulsive Disorder may require extra time to implement coping strategies during an exam, or to perform rituals in privacy.
- A student with a vision disability may require additional time or a private space to allow for the use of adaptive technology such as print to speech, speech to text and/or text enlargement software.

**Accommodation:** Access to early registration.

**Examples of Students who may require this Accommodation:**

- A student with a disability that significantly impacts sleep patterns may require early registration to manage their course schedule.
- A blind student who requires braille may need to be able to register as soon as possible to allow time for the identification and production of course materials.
- A student with a disability that significantly impacts their ability to walk long distances may require early registration to ensure there is sufficient time between classes.

**Accommodation:** Part-time schedule in a practicum or clinical component of a program.

**Examples of Students who may require this Accommodation:**

- A student may require a part-time schedule for placements to manage fatigue or to allow for regular medical treatments related to a disability.

**Accommodation:** Audio recording of lectures.

**Examples of Students who may require this Accommodation:**

- A student with ADHD may have difficulty focusing on the content of the lecture, managing distractions, and taking accurate or detailed notes at the same time. Audio recording supplements their note-taking practices and can allow them to focus on and process the information by simply listening.
- A student with a learning disability that impacts their written output or who has slower processing speed may be unable to adequately take notes during a lecture.

- A student with limitations to their fine motor control or who experiences physical fatigue or pain in their arms/wrists/hands from writing or keyboarding can use audio recording to supplement their note-taking in lectures.

### 9) What happens if a student doesn't agree with the accommodation decision?

The Centre is responsible for making the decision about what accommodation(s) will be offered to the student. Students who disagree with these accommodation decisions may follow the appeal process set out in section 5 of the Procedures to Policy 73.

### 10) What is the Centre's role in determining accommodations for work term placements or practicums?

Students with disabilities in programs with practicums or clinical placements may require disability-related accommodations. The process for determining eligibility for accommodations is the same as the process for determining eligibility for classroom accommodations, however, there are unique factors that must be considered when determining if and how accommodations will be implemented. These factors include the specific learning outcomes or requirements of the placement, the range of sites available, and nature of the accommodations required. While UBC programs do not have the authority to require an external employer to accommodate a student with disabilities, UBC programs have a duty to work diligently to secure a site that will meet the accommodation needs of a student. Close collaboration between the Centre and the program is critical to determining which accommodations can be implemented without causing undue hardship. As this process can take time, students with disabilities have a responsibility to notify the Centre well in advance of the practicum or placements.

### 11) What are some examples of accommodations that might be applied to a work term placement or a practicum?

The following are more common examples of accommodations that might be applied to a work term placement or a practicum where medically supported:

- **Part-time schedule:** The student may need a longer period of time to complete the required number of hours of work designated for a given practicum to manage fatigue or to allow for regular medical treatments related to a disability, and therefore may require a part-time placement.
- **Wheelchair accessibility:** The physical environment of the work placement may need to be a wheelchair accessible space due to the student's mobility impairment.
- **Assistive technology:** Assistive technologies may need to be available to the student in the workplace. For example, workplace computers that have speech-to-text software for a student who experiences barriers with

keyboarding or hand writing and/or screen reading software for a student who is blind or has low vision.

## **12) Are there limits on UBC's duty to accommodate?**

Universities are required by law to accommodate their students with disabilities if they can do so without "undue hardship." Section 3 of the Procedures to Policy 73 provides more information about the meaning of "undue hardship" in the University context.

The threshold of what is undue hardship for the University is quite high. However, once the University reaches that point, its legal duty to accommodate will be discharged.

Section 3.1 of the Procedures to Policy 73 lists the factors that are used by UBC to assess what is "undue hardship". These factors include health and safety risks; failure of the student to meet an essential requirement of the course, program or activity; and/or financial or logistical challenges. These factors mirror the legal test that has been established in British Columbia for determining what is undue hardship.

In addition, if students do not reasonably participate in or cooperate with UBC's efforts to accommodate them, UBC's duty to accommodate may come to an end.

## **13) Is the impact on the instructor a factor that is considered when determining what is undue hardship?**

Instructors sometimes ask whether the cost, time or inconvenience of implementing an accommodation, are factors that are considered when determining whether an accommodation would cause undue hardship. For example, when a student is granted an opportunity to write the exam at a later date, this may require an additional time commitment from the instructor. In some cases, there may even be an additional financial impact if teaching assistants are obliged to put in extra hours to complete the accommodation.

Providing an accommodation will not be an undue hardship unless UBC can demonstrate that doing so would: compromise safety; undermine the essential requirements of the course, program, or activity; give rise to severe financial or logistical problems; or have some other dire consequence. Given the size and resources available to UBC, it will be difficult to demonstrate that accommodations will compromise the essential requirements of courses, programs, or activities simply because they require an additional time commitment for an individual instructor or a few more hours of time for a teaching assistant. Therefore, granting a student another opportunity (or even multiple opportunities) to sit an exam or

allowing a student to complete and submit coursework after the course is completed would not typically constitute undue hardship.

#### **14) What is an essential requirement?**

One of the ways that undue hardship can occur is if an accommodation will result in the failure of the student to meet an essential requirement of a course, program, or activity.

The term “essential requirements” relates to the bona fide requirements of a task or program that cannot be altered without compromising the fundamental nature of the task or program. This may include mastery of core aspects of a course curriculum, demonstration of key skills or, in some circumstances, the ability to show mastery of communication in a specific format if that format is a vital requirement of the program (e.g. oral communication in some programs). Determining what is an essential requirement, and what is not, is critical in distinguishing requirements that cannot be accommodated from those that can.

Identifying the essential requirements for a course, program, or activity is very important. If an instructor or the unit is clear about what is being taught and why it must be done a certain way, this assists in finding creative solutions to accommodating students with disabilities. To determine what is an essential requirement, questions such as the following should be asked:

- Are the skills or knowledge an integral part of the learning objectives of the course?
- Does the ability or skill necessarily need to be performed in a prescribed manner?

#### **15) What are some examples of essential requirements that might apply at UBC?**

In determining whether an accommodation can be implemented without compromising these essential requirements, the context of the task or assessment must be considered. Here are three examples:

Students in professional health programs such as Pharmacy, Medicine, or Occupational Therapy must be able to demonstrate that they are able to meet the essential requirements of the program. While it might not be possible to provide extra time to complete a medical procedure with a live subject without compromising the health and safety of that subject, it may be possible to accommodate a student with extra time to complete the same task in a simulation exercise. If this were the case, the provision of an accommodation such as extra time while working with a live subject may compromise an essential requirement, but it would not compromise an essential requirement if it were feasible to carry out the task in a simulation lab.

Most undergraduate students are required to take a writing course to learn about the distinctive characteristics of scholarly prose and the styles of expression used by the different disciplines, and apply scholarly style in their own writing as they begin to participate in the academic conversations of their future area of specialization. While all students can be expected to produce writing that meets an acceptable standard, some students with disabilities may require accommodations such as the use of a computer with spellcheck for assignments and exams, in order to meet these standards. The provision of this accommodation would not compromise an essential requirement of the course as spelling is not typically taught in these courses.

Students in PhD programs are expected to produce original work which makes a significant contribution to knowledge in their discipline and are typically expected to progress through their degree in four to six years. A student with disabilities who experiences a flare up of an existing disability may require time away from studies one or more times over the course of their degree and may require an extension to the degree completion timeline. The nature of the academic work can be a determining factor in determining eligibility for leaves or extensions. Extensions that prevent a student from completing lab based research essential to the degree may compromise an essential requirement. However, a similar extension for a student conducting historical research may be possible without compromising essential requirements of the degree.

#### **16) What is the process for identifying the essential requirements of a course, program, or activity?**

Whether something is an essential requirement is not simply an academic or administrative decision. This determination must be made in accordance with the legal principles identified above.

If the instructor or other UBC employee believes an accommodation will result in the essential requirement of their course, program or activity being unmet, they should talk to the Centre. If discussions with the Centre do not resolve the concerns, the matter should be referred to the Registrar (for academic accommodations) or the Administrative Head of Unit (for non-academic accommodations), who will determine whether essential requirements would be compromised by providing the accommodation. This decision-maker must consult with all relevant parties, including the Centre, the relevant instructor or other University employee, and the Office of the University Counsel, as appropriate.

#### **17) Why does the Registrar make the final decision regarding essential requirements for academic accommodations, rather than the Dean?**

In Policy 73, the final decision regarding essential requirements for academic accommodations is made by the Registrar, rather than the Dean as this is more consistent with the Senate policy on program requirements (available at:

<http://www.calendar.ubc.ca/vancouver/index.cfm?tree=3,39,0,0>), which makes the Registrar the ultimate decision-maker. Also, maintaining a single decision-maker would promote consistency in decisions and would also help to avoid unnecessary delays or trauma to the parties affected by the decision. However, to ensure that the Deans have a voice in the decision, there is a requirement under the Policy for the Registrar to consult with the relevant Dean, and also to consult with the Centre, the relevant instructor or other University employee, and the Office of the University Counsel, as appropriate.

### **18) What is the difference between academic concessions and accommodations?**

Students may request academic concessions from their faculty when they experience circumstances that adversely affect their attendance or performance in their academic program. Examples of academic concessions are: deferred standing, late withdrawal and aegrotat standing.

The two general categories of requests that are given consideration for approving concessions are conflicting responsibilities and unforeseen events. These are further described in the UBC Academic Calendar under Campus-wide Policies and Regulations (available at:<http://www.calendar.ubc.ca/vancouver/index.cfm?tree=3,48,0,0>). Whereas, academic accommodations are any of the reasonable adjustments that UBC might make to help its students with disabilities overcome the disability-related barriers they would otherwise experience at the University. The determination and implementation of academic accommodations are governed by Policy 73.

### **19) Why would the Centre consider an academic concession (rather than an accommodation) for a student with a disability?**

The requirements for disability-related accommodations are typically predictable. That is, given the nature of a student's disability, their lived experience, their history of accommodations, and their course of study, it is often possible to anticipate and put in place accommodations that will remove barriers to access. These accommodations might include extended time to complete exams or access to print materials in electronic format.

In some cases, however, the impact of a disability may vary over time and it is reasonable to expect that some individuals may experience expected but unpredictable flare-ups of their disability that are not mitigated by the proactive accommodations outlined above. UBC would still have a duty at law to accommodate students in these circumstances given the requirement arose for reasons related to the student's disability. However, the way UBC would process such accommodation is through the academic concessions process. This is why the phrase "academic concessions for disability-related reasons" is used in Policy 73.

For example, a student with a disability who, for unforeseen but disability-related circumstances is unable to attend or perform in their academic program in their

usual manner, may require extra time to complete course work or prepare for an exam or, if they are not able to continue, may require a withdrawal from a course. Unlike other accommodations, an end of term extension or a withdrawal after the typical deadlines must be noted on the student's transcript; therefore, UBC would process these accommodations as an academic concession and the academic eligibility criteria apply.

**20) What is an example of when the Centre would determine a disability-related need for an academic concession?**

A student has a disability that is under medical control, such as Spinal Muscular Atrophy, Schizophrenia, Multiple Sclerosis, or Bipolar Disorder. When they registered for the semester their health was stable and there was no reason to believe that they would not be able to complete the semester in their usual manner with their usual academic accommodations. However, their medical condition unexpectedly worsens in the month of November, requiring them to be hospitalized and/or take a break from their studies. In this circumstance, the unforeseen flare-up of their disability makes them eligible for an academic concession. This flare up makes it impossible for them to continue in their studies. The Centre would notify the faculty that this student should be granted an academic concession, and the faculty would then decide what academic concession is to be granted based on the faculty's usual academic eligibility protocols.

**21) What is the process for determining a disability-related academic concession?**

The Centre will determine whether a disability-related concession is required, based on the documentation of disability provided by the student. This is the same process used to determine eligibility for disability-related accommodations. However, the Centre does not determine which concession will be granted; this is the responsibility of the Dean/Advising Office and will be based on the academic regulations of the faculty.

For example, in the Faculty of Arts at UBC Vancouver, students must be in good standing in a course to be eligible for a Standing Deferral. If the Centre has deemed a student eligible for an academic concession on disability grounds but the student has not completed sufficient coursework to be considered in good standing, the Dean/Advising Office would need to offer an appropriate concession such as a late withdrawal.

**22) Are students who have an unpredictable flare-up of their disability (for which they already have an accommodation) required to produce further documentation from a health professional?**

Students who are seeking an accommodation, or who already have an accommodation in place, are required to ensure that the Centre is kept up to date

with clear, current and credible medical information. If a student's medical situation changes in any material way that could impact their accommodations they should proactively and promptly advise the Centre of that change. The Centre may then request additional medical information to ensure that its accommodations are reasonable and appropriate in the new circumstance.

Where a student has already been granted an accommodation for a disability, but then later experiences a flare-up of that disability and the flare-up requires a different accommodation for the student than what was previously granted, further documentation will not be required to be provided to the Centre so long as the existing documentation remains current. In such circumstances, the Centre should be consulted.

### **23) What is an example of a non-disability related need for an academic concession?**

The Senate Regulation on Academic Concession in the UBC Academic Calendar refers to academic concessions being requested in circumstances that generally fall into one of two categories: conflicting responsibilities and unforeseen events. A non-disability related need for an academic concession would be where, for example, a student required an academic concession for a conflicting responsibility such as: representing the University, the province or the country in a competition or performance; serving in the Canadian military; observing a religious rite; working to support oneself or one's family; or having responsibility for the care of a family member.

Academic concessions for certain unforeseen events, such as changes in the requirements of an on-going job, may also be unrelated to a disability.

For further information on academic concessions, including the process to follow, refer to the UBC Academic Calendar for the Senate Regulation on Academic Concession.

### **24) Is mental illness a disability for which a student can be accommodated?**

The University is required to accommodate students with disabilities including students with a mental illness if it can do so without undue hardship. Students with a mental illness who are seeking accommodation must meet the eligibility criteria set out in Policy 73.

### **25) Why is there a different process for students with a temporary health issue than there is for students with a disability?**

Policy 73 is intended to implement the duty imposed by the *BC Human Rights Code* to protect people with disabilities. The concept of physical disability is defined by case law as generally indicating a physiological state that is involuntary, has some degree of

permanence, and impairs the person's ability, in some measure, to carry out the normal functions of life. The same standard is applied for mental disability.

By contrast, temporary injuries or other health issues are not considered to be disabilities under this definition given their lack of permanence and are therefore not covered by Policy 73. For the purposes of this policy, UBC has defined temporary health issues to be any temporary medical impairment or injury that is unrelated to a disability and is likely to be substantially resolved in less than an academic term. Students with temporary health issues would follow the Senate Regulation on Academic Concessions set out in the UBC Academic Calendar.

## **26) What are some examples of temporary health issues?**

Examples of temporary health issues, which would not fall under Policy 73, are:

- concussion
- broken leg
- flu infection
- situational anxiety or depression that is not prolonged
- broken or sprained arm, wrist, finger(s)
- appendicitis

## **27) Who is responsible for the costs incurred in applying for and implementing accommodations?**

The Centre has funds to cover some of the costs of accommodating a student with a disability. These funds are used to cover the costs of accommodations such as interpreting and captioning, braille production, mobility training and to hire student assistants who support the provision of accommodations for students with disabilities (alternate format production, note takers, mobility assistant, tutors, invigilators for accommodated exams that are coordinated centrally).

While the University recognizes that other costs (instructor or administrator time as an example) may be incurred in the process accommodating a student, these costs are deemed to be a part of the department's activity and are not covered by the Centre.

In most situations, students are responsible for any costs associated with the provision of medical information to the Centre. However, in rare circumstances, it may be appropriate for UBC to cover those expenses.

## **28) What are my responsibilities as an instructor or other University employee who has been notified of an accommodation for a student in my course, program or activity?**

Instructors or other University employees who have been notified of a student's request for accommodation have a responsibility to implement the accommodation.

This means receiving the request, maintaining the student's confidentiality, engaging with staff from the Centre to ensure the accommodation is implemented in an appropriate manner, treating the student with professionalism and respect, and providing any required information or materials.

For example, they may be required to:

- provide course readings in advance so that these materials can be converted into alternate formats to ensure a student with a print disability has equal access to these materials
- talk to a student about the potential need for extensions to assignments or deferrals for exams
- assist the Centre to deliver exams centrally by providing to the Centre copies of the exam and any other information relevant to sitting the exam
- work with the Centre or other University staff to determine if the implementation of a specific accommodation will cause undue hardship

University instructors and staff have a right to request confirmation that the accommodations a student is requesting have been determined by the Centre in accordance with Policy 73. In the case of academic accommodations, instructors or designated academic program staff have a right to receive a current copy of the *Letter of Accommodation* produced by the Centre in a timely manner. A similar letter is produced by the Centre for clinical and other practical components of academic programs. For other activities such as participation in an orientation event, extracurricular activity or study abroad experience, this confirmation may be an email or meeting to confirm the range of accommodations to be considered.

University instructors have a responsibility to respect and maintain the student's confidentiality in accordance with the *Freedom of Information and Protection of Privacy Act*. In this context, this means that instructors and other University staff should not ask a student to disclose a diagnosis or other personal information. The student has already disclosed this information to the Centre as required by Policy 73. The Centre will determine whether individual instructors or other employees have a need to know specific information in order to consider or implement an accommodation. For example, the Centre might need to provide additional information about a student's vision loss (with the student's permission), if an instructor is asked to consider an alternative means of evaluation or a change to the structure of a lab activity.

## **29) What kinds of accommodations are provided by the Centre?**

Instructors and other University employees are generally responsible for implementing accommodations for their course, program or activity. However, there are some accommodations that cannot be reasonably coordinated or provided at the program level, and which need to be provided or facilitated by the Centre. For example:

- the coordination of exams that involve extra time, a distraction-reduced or private space, and/or the use of adaptive equipment or assistive technology
- the production of alternate format materials such as braille, accessible electronic text for students with print disabilities
- access to adaptive technology
- the coordination of Interpreting and real-time captioning for students with hearing disabilities

**30) Where can an instructor or other University employee seek advice or support about accommodations, including how these should be implemented?**

Staff from the Centre can be a resource to any instructor or University Administrator at any time. It is especially important to consult with these professionals if there are concerns about the implementation of any recommended accommodations or if a student is requesting a disability-related accommodation that has not been identified by the Centre.

**31) Would the implementation of Universal Instructional Design eliminate the need for disability-related accommodations covered under Policy 73?**

The benefits of Universal Instructional Design (UID) are widely recognized by educators. Implementation of UID provides greater access to academic content, allows for different ways of assessing mastery of course or program content, and supports students with diverse learning styles and ways of knowing. It promotes changes to our practice that eliminate barriers to education without the need for individuals to come forward requesting accommodation. Instructors are encouraged to consider ways they can implement elements of UID in their teaching practices.

In practice, it is unlikely that the implementation of UID will eliminate the need for disability-related accommodation in the foreseeable future. For example, even if an instructor follows all protocols for making a document accessible, a blind student may still require a textbook to be translated to braille. A student with a physical disability may require accommodations to complete a required lab component of a program where a simulation activity will not assess the same outcome.