

## DUTY TO ACCOMMODATE STUDENTS WITH DISABILITIES PROCEDURE

This procedure is governed by its parent policy. Questions regarding this procedure are to be directed to the identified Procedure Administrator.

<b>Functional Category:</b>	Academic
<b>Parent Policy:</b>	Alberta Human Rights Act; Canadian Human Rights Act
<b>Approval Date:</b>	March 21, 2013
<b>Effective Date:</b>	April 2, 2013
<b>Procedure Owner:</b>	Vice President, Teaching and Learning
<b>Procedure Administrator:</b>	Dean, Student Services and Registrar

### Overview:

NorQuest College (college) recognizes the legal requirement to provide accommodation to students with disabilities. This procedure provides guidance regarding the roles and responsibilities of college departments in determining, initiating, and accessing accommodations. The accommodations offered by the college, and the criteria for providing these accommodations are also specified. Duty to Accommodate is the responsibility of all constituents of the college. These constituents include, but are not limited to: instructors, students, applicants, Student Services divisional staff, facilities staff, and any other party that provides a service to students.

The college will provide reasonable accommodations to students with documented disabilities as required by the ***Alberta Human Rights Act***.

Accommodations will not require that the college lower academic or non-academic standards to accommodate students with disabilities. Students are expected to develop the essential skills and competencies expected of all students, as defined by the curriculum.

Authority to establish this procedure is derived from the [NorQuest College Board of Governor's Policy No. 5](#), which delegates authority to the President and CEO to establish policies and procedures for the college's management and operation.

### Procedures:

The provision of student accommodations is based on a shared responsibility between the student, instructors, and college services providing support to students (e.g. Office of the Registrar, Facilities, and Student Wellness and Accessibility).

#### College Responsibilities:

- Recruitment processes endeavour to ensure that students with disabilities have the opportunity to participate fully and equally in a program of studies;
- The college reserves the right to defer student admission until both resources and supports, as determined by Student Wellness and Accessibility, are in place;
- Student Wellness and Accessibility, in conjunction with Faculties, provides accommodations that are reasonable, effective, and sensitive to the dignity of the student;
- College staff and faculty may refer students to Student Wellness and Accessibility if a disability is suspected;
- All Faculties provide program delivery that is flexible to accommodate the needs of students with disabilities within

program standards;

- College staff and faculty are sensitive to the confidentiality of supporting documentation, the disclosure of disabilities and the dignity of all students;
- Student Wellness and Accessibility responds to requests for accommodations from students with disabilities in a timely manner and consults with students to prepare accommodation plans;
- Student Wellness and Accessibility provides a framework for accessing and delivering accommodations;
- Student Wellness and Accessibility, in conjunction with Faculties, ensures that all reasonable accommodations meet the following criteria:
  - Based on documented individual disability needs
  - Allow the most integrated experience possible
  - Not compromise the essential requirements of a course or program
  - Not pose a threat to personal or public safety
  - Be workable and sensible

The college is not required to provide the most expensive or comprehensive level of accommodation.

- Student Wellness and Accessibility provides ongoing education to all employees regarding Duty to Accommodate and their role(s) and responsibilities;
- The college provides accommodations to the point of undue hardship as determined by the Dean of Student Services and Registrar in consultation with the Vice Presidents of Teaching and Learning and College Services;
- Incidents of non-compliance to the Duty to Accommodate are reported to the Dean of Student Services and Registrar by the managers of Student Wellness and Accessibility.

Note: Accommodations utilized by the college will correspond to those outlined in the [Alberta Guidelines for Accommodating Students with Disabilities in Postsecondary Studies](#) (PSPSD, November 25, 2010).

**Student Responsibilities:**

- Students advise appropriate staff in the college of their disabilities;
- Student provide appropriate documentation to support the need for accommodation, (i.e.: a psycho-educational assessment, a functional capacity assessment, an assistive technology assessment and/or medical documentation);
- Students participate in consultation meetings regarding the provision of reasonable accommodations;
- Students review information provided by the Student Support Specialist regarding accommodation policy and practice for students with disabilities;
- Students follow through by accessing these accommodations and participating in review meetings as needed;
- Students secure outside funding when applicable;
- Students registering in eCampus courses and selecting the college as a partner or lead institution are responsible to advise Student Wellness and Accessibility of their accommodation requirements and to assist in obtaining funding for their supports, as well as to assist in accessing materials from other eCampus sites as required;
- International students with a diagnosed disability registering for courses with the college must notify the Office of the Registrar at

the time of application regarding their accommodation requirements.

**Definitions:**

**Academic Integrity:** is defined as a commitment to five fundamental values: honesty, trustworthiness, fairness, respect, and responsibility.

Academic integrity is honest and responsible scholarship. Students and instructors are expected to submit original work and give credit to other peoples' ideas. Maintaining academic integrity involves:

- Creating and expressing your own ideas in course work
- Acknowledging all sources of information
- Completing assignments independently or acknowledging collaboration
- Accurately reporting results when conducting research or with respect to labs
- Honesty during examinations

**Accommodations for students with disabilities:** are modifications made to the academic environment that help create equal educational opportunities and provide equal access to information. Accommodations are intended to remove barriers related to the functional limitations caused by a health, physical, or mental impairment; *therefore*, there must be a direct connection between the disability and the requested accommodation. Accommodation is a shared responsibility between the student and the institution and arriving at an accommodation(s) is a consultative process.

Accommodations do not:

- require that post-secondary institutions lower academic or non-academic standards to accommodate students with disabilities
- relieve the student of the responsibility to develop the essential skills and competencies expected of all students
- give students with disabilities an unfair advantage; rather, they are intended to "level the playing field"

Accommodations are subject to three limitations:

1. The first limitation is that of academic integrity.
2. The second limitation is that of reasonableness.
3. The third limitation is that of undue hardship.

**Disability:** is a functional limitation that is caused by a health, physical, or mental impairment that restricts a student's ability to perform the daily activities necessary to participate in studies.

**Duty to Accommodate students with disabilities:** refers to the requirement under Section 5 of the Canadian Human Rights Act and Section 4 of the Alberta Human Rights Act that prohibits discrimination regarding goods, services, accommodation, and facilities. As a result, educational institutions are required to make arrangements, adjustments, and alterations in the educational environment to ensure that it does not have a discriminatory effect on a student because of the student's disability. A duty to accommodate is part of the college's larger duty not to discriminate.

**Reasonable Accommodation for students with disabilities:** refers to the requirement of educational institutions to provide accommodation up to the point of undue hardship. There is no duty to

provide an instant accommodation, perfect accommodation, the most comprehensive level of accommodation, or the most expensive accommodation. All reasonable accommodations must:

- Be based on documented individual disability needs
- Allow the most integrated experience possible
- Not compromise the essential requirements of a course or program
- Not pose a threat to personal or public safety
- Be workable and sensible

**Undue Hardship related to providing services to students with disabilities:**

Factors that amount to undue hardship for the college include:

- Financial cost that negatively impacts the viability of the service, program, or institution. To be considered undue hardship, the financial cost must amount to a substantial part of the institution's overall budget as determined by the Dean of Student Services and Registrar, the Vice President of Teaching and Learning and the Vice President of College Services.
- Significant interference with the rights of other students. The institution must demonstrate that the accommodation would result in essential elements of a service or a program not being offered to other students as a result of accommodating an individual or group of students.
- Health and safety concerns for the student being accommodated or for other students of service providers. The institution must identify and measure the risk to health and safety but also determine who bears the risk. Risk that is limited to the person being accommodated often does not amount to an undue hardship. Safety and health risks that contravene legally required occupational health and safety and workers' compensation requirements may be considered an undue hardship.

**Related Information:**

Canadian Human Rights Act, Section 5. [Canadian Human Rights Act](#)

Alberta Human Rights, Citizenship and Multiculturalism Act, Section 4. [Alberta Human Rights Act](#)

Alberta Human Rights Commission. (n.d.). *Duty to accommodate students with disabilities in post-secondary educational institutions*. retrieved from :[http://www.albertahumanrights.ab.ca/publications/bulletins\\_sheets\\_booklets/bulletins/duty\\_to\\_accommodate\\_students.asp](http://www.albertahumanrights.ab.ca/publications/bulletins_sheets_booklets/bulletins/duty_to_accommodate_students.asp)

Postsecondary Service Providers for Students with Disabilities. (2010). *Alberta Guidelines for Accommodating Students with Disabilities in Postsecondary Studies* [Full Guidelines](#)

Roberts, B. presentation from Edmonton CACUSS June 2010 preconference. *Disability, accommodations, & the law: determining essential requirements -How human rights cases inform decision making.*

**Related Documentation:**

- [Student Guidebook](#)
- [Instructor Guidebook](#)
- [Instructor Referral Form](#)

**Next Review Date:**

April 2019

**Revision History:**

April 2013: New (replaces Standard Practice 3.12 - Duty to Accommodate)

August 2013: update for document links and branding

May 2015: reviewed as per Policy and Procedure Framework: no change