



# Saint Mary's University

<b>Name:</b>	<b>Saint Mary's University Senate Policy on Academic Accommodations for Students with Disabilities</b>
<b>Policy Number:</b>	<b>8-1026</b>
<b>Approving Authority:</b>	Senate
<b>Approved:</b>	April 2, 2024
<b>Supercedes:</b>	8-1021
<b>Responsible Office:</b>	Fred Smithers Centre for Student Accessibility
<b>Responsibility:</b>	Vice President Academic & Research
<b>Revision Date(s):</b>	April 2, 2024, August 21, 2020
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## 1. Preamble

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

## 2. Purpose

- 2.1 Pursuant to Nova Scotia Human Rights Legislation, the purpose of this policy is to affirm that Saint Mary's University (herein after referred to as "the University") recognizes its legal duty to provide appropriate and reasonable Academic Accommodations, up to the point of Undue Hardship, for Students experiencing a barrier due to the presence of a disability and to establish a framework for managing requests by Students for Academic Accommodation on the basis of disability in an appropriate and timely manner.

## 3. Jurisdiction/Scope

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

## 4. Definitions

- 4.1 “Disability”: A Disability is defined as a medical condition or a physical, neurological, or sensory impairment which may be permanent or temporary and is likely to continue and may significantly interfere with educational pursuits AND the student experiences functional limitations in their ability to perform the range of life’s activities.
- 4.2 “Accommodation”: Accommodations are intended to reduce or eliminate barriers to participation in academic life experienced by students due to characteristics protected under human rights legislation, specifically disability.
- 4.1.2 Accommodations are individualized alternations to how a student:
- (i) Accesses course content or program content and information
  - (ii) Participates in learning, research, and course work; and
  - (iii) Demonstrates skills, knowledge, or outcomes of a course or program.
- 4.2.2 Accommodations do not:
- (i) Diminish the academic integrity of the University’s programs;
  - (ii) Diminish the student’s responsibility to meet academic standards;
  - (iii) Remove or alter essential course content, program content or course or program standards and requirements;
  - (iv) Or remove or alter fundamental requirements for evaluation and independent demonstration of knowledge and skills.
- 4.3 “Centre” refers to the Fred Smithers Centre for Student Accessibility
- 4.4 “Student” means an individual registered in an academic related course or program at Saint Mary’s University.
- 4.5 “Academic Activity” refers to coursework, classroom activities, examinations, off-campus course-related activities, thesis research, and campus events of an academic nature, conducted at, on behalf of, or in connection with the University.
- 4.6 “Undue Hardship” means that all reasonable measures of Accommodation have been exhausted, and only unreasonable or impracticable options remain which would create a substantial and unmanageable burden for the University, or it is determined that the physical and/or mental safety of an individual or group of individuals will be jeopardized and/or harmed.
- 4.7 “University Community” – refers to all of Saint Mary’s University’s programs and services and does not end at the campus’ boundaries.
- 4.8 “Procedures” means the Centre Policy & Procedures Manual as established from time to time.
- 4.9 “Appeal” means formal notice and action of disagreement within the context of Accommodation requests.

## 5. **Policy**

- 5.1 Students experiencing barriers to participation in an Academic Activity due to the presence of a disability are entitled to Academic Accommodations to reduce or eliminate such barriers up to the point of Undue Hardship, as set out in this policy.
- 5.2 All students, faculty, staff, and other members of the University community share in the responsibility to provide an accessible and inclusive University environment that is free from discrimination. This includes respecting a fellow student’s Accessibility and Accommodation needs.
- 5.3 Students are encouraged to seek an Accommodation where they believe that they are experiencing a barrier to participation in an Academic Activity, due to their disability, which may be reduced or eliminated by an Accommodation.
- 5.4 All requests for Accommodations shall be made by the Student to the Centre in accordance with the Procedures.
- 5.5 Accommodation requests shall be made prior to the Academic Activity in question, in

- accordance with Procedures (allowing a reasonable amount of time to arrange for the requested accommodations).
- 5.6 Accommodation decisions can be reviewed by the Centre on a regular basis and adjusted to the current circumstances of the Student, where necessary, at the request of the Student or faculty.
  - 5.7 Accommodation decisions may be appealed by the Student in accordance with the appeals process outlined in Section 7 of this policy.
  - 5.8 All documentation submitted to the Centre to establish eligibility for services will be treated as strictly confidential within the guidelines of applicable legislation. Information about the specific nature of the student's disability shall not be disclosed to other persons without the explicit written consent of the student.
  - 5.9 All information related to a request for Accommodation, including documentation, will be treated as confidential, and will not be disclosed to other persons without consent of the Student requesting the accommodation, except to the extent that such disclosure is necessary (on a need-to-know basis), to determine what, if any, accommodation is required and for effective implementation of an Accommodation.
  - 5.10 All requests for accommodation shall be made by the Student to the Centre in accordance with all Procedures, Guidelines and Protocols published by the Centre.
  - 5.11 Communication relating to a request for Accommodation shall take place between the Centre and course faculty and/or relevant support staff to the extent that is necessary for the effective implementation of the accommodation decision or appeal of that decision.
  - 5.12 Each Accommodation will be assessed on an individual basis, on its own merits, and the University's ability to accommodate up to the point of undue hardship.
  - 5.13 Nothing in this Policy or the Procedures shall diminish the Student's right to seek the assistance of the Nova Scotia Human Rights Commission, the Accessibility Directorate, or other means of recourse.
  - 5.14 All requests for Accommodation will be treated in a confidential manner and in accordance with the Nova Scotia Freedom of Information and Protection of Privacy Act (FOIPOP).

## **6. Procedures**

- 6.1 Request for Accommodation
  - 6.1.1 A request for Accommodation to support a student with a Disability shall be made by the Student to the Centre prior to the Academic Activity in question taking place, and as soon as the student is made aware of the activity (allowing a reasonable amount of time to arrange for the requested accommodations).
- 6.2 Preliminary Assessment
  - 6.1.2 The Centre shall make a preliminary assessment of the request for Accommodation on the basis of Disability. If supporting information does not meet Centre guidelines or fails to establish the need for Accommodation on the basis of Disability, further information will be requested. The University is entitled to receive the relevant information to determine suitable Accommodation (a refusal to provide the necessary information could be a deciding factor in determining whether the University has met its legal responsibilities regarding the duty to accommodate).
- 6.3 Factors to be Considered
  - 6.1.3 Where an Accommodation is to be provided, it must be reasonable, up to the point of Undue Hardship and without compromising the essential requirements

of the academic coursework. The relevant factors to be considered in determining a reasonable Accommodation shall include, but are not limited to, the following:

- (i) Whether the proposed Accommodation will reduce or eliminate the barrier;
- (ii) Whether the proposed Accommodation will pose a safety concern of significant risk to faculty, staff or other Students or to the Student seeking an Accommodation;
- (iii) Whether the anticipated expenses (estimated expenses to execute the accommodation) will be cost-prohibitive;
- (iv) Whether the proposed Accommodation will be exceedingly disruptive to the program or service, taking into consideration Students, faculty, staff or others that may be adversely affected by the Accommodation;
- (v) Whether the proposed Accommodation will substantially undermine the academic (essential) requirements of the program; and
- (vi) In circumstances where the proposed Accommodation appears to create Undue Hardship based on the above factors, and whether an alternative Accommodation may be available.

#### 6.4 Consultation and Decision

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

- (i) The Student;
- (ii) The course faculty (for course-related accommodations);
- (iii) The administrator responsible for the Academic Activity in question;
- (iv) Others that may be warranted by the circumstances

## 7. Appeals

### 7.1 Basic Principles

7.1.1 A Student may appeal or ask for review of the decision regarding their request for Accommodation, either informally or formally (see processes below), with the appropriate documentation.

7.2.1 A course faculty may appeal or ask for review of an Accommodation decision pertaining to their course, either informally or formally, with the appropriate documentation.

7.3.1 An appeal or review is warranted when a reasonable Accommodation, with respect to Undue Hardship, has been refused by the course faculty or the course faculty believes the requested Accommodation diminishes academic integrity or compromises the essential requirements of the course.

7.4.1 In the event that a student is approved for an Accommodation but feels the Accommodation was not provided for their planned specific academic activity, they should notify the Centre via email as soon as possible but within 5 business days after they believe the accommodation was not provided.

### 7.2 Informal Process

7.1.2 If a Student or course faculty disagrees with an Accommodation, the Student or faculty member will attempt to resolve the matter with the Manager or designate from the Centre. This process must be done in advance of a formal appeal or review.

7.2.2 The Centre, with the permission of the Student or course faculty, will initiate

- informal conversations with the other party in an attempt to resolve the matter.
- 7.3.2 Should the matter remain unsolved, the Manager of the Centre, or designate, may then, with the permission of the Student, consult with the AVP of Student Affairs and Services, to seek a suitable resolution to the student's concern.
- 7.4.2 The result of the informal resolution will be communicated via email to the student and relevant course faculty by the Manager in a timely manner.
- 7.5.2 There is no appeal for an informal process, however the Student has the option to move to a formal process, outlined below.

### **7.3 Formal Process**

- 7.1.3 If the Student's objection remains unsolved following an informal process, the Student may make a formal appeal by submitting an appeal form, which can be found on the Centre's website (<https://smu.ca/campus-life/fred-smithers-centre.html>), to the VPAR within 10 business days of the date that the Centre communicated the result of the informal decision to the Student.
- 7.2.3 If the course faculty's objection remains unsolved following an informal process, the faculty member may ask for a review of accommodations via a written request to the VPAR.
- 7.3.3 The course faculty must be able to demonstrate a substantial, viable and direct connection to the proposed Accommodation and the Student's ability to satisfy the course outcomes with respect to academic integrity. In such cases, the Student shall be made aware of the request for reconsideration and shall have the opportunity to provide their position before a final determination is made.
- 7.4.3 The VPAR will then review the formal appeal and request for Accommodation and make a decision based upon the student's disability and the academic requirements and outcomes of the course. This decision cannot be appealed further within the University. A decision to deny an accommodation based on a course faculty's objection related to academic integrity shall not be taken without prior consultation with the University's General Counsel.
- 7.5.3 Any decision made by the VPAR, with appropriate expert consultation, will be supported with a written summary and rationale of the decision and/or recommendations, to be submitted to the Centre for filing, and copied to the involved faculty, the appropriate department Dean and to the Student via email within 10 business days of the receipt of initial formal written appeal.

## **8. Related Policies, Procedures & Documents**

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

## **Version History**

<b>Version</b>	<b>Date Changed</b>	<b>Updated by</b>	<b>Description of Change</b>
1.0	August 21, 2020	Senate Standing Committee on Accessibility in the Academic Environment	Document creation.
2.0	April 2, 2024	Senate Accessibility Committee	Document revisions.