



The University of British Columbia
Board of Governors
Okanagan Senate
Vancouver Senate

Policy No.:

73

Approval Date:

May 1999

Last Revision:

- Board
December 4, 2018
- UBCV Senate
December 12, 2018
- UBCO Senate
January 31, 2019

Responsible Executive:

Vice-President, Students

Title:

**Accommodation for Students with Disabilities
(Joint Senate and Board Policy)**

Background & Purposes:

The purpose of this Policy is to outline the principles, responsibilities and processes for the provision of Accommodation for Students with Disabilities.

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 *Human Rights Code* 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.

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.

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.

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

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.