

# ACCESSIBILITY POLICY AND PROCEDURE

## Accessibility Policy

The Policy and Procedure are available online at Governing Documents (<https://www.umanitoba.ca/governance/governing-documents/>).

### Part I: Reason for Policy

1.1 The University of Manitoba promotes diversity, inclusion, and accessibility in our programs, employment opportunities, and in the conduct of the University's affairs. We believe in the inherent dignity of all people. We are committed to identifying and removing barriers that prevent full and meaningful participation in all aspects of campus life. The University will comply with all applicable federal, provincial, and municipal legislation with respect to accessibility and will implement the standards specified under The Accessibility for Manitobans Act ("AMA").

1.2 The purpose of this Policy is to ensure that all members of the University community, including those with disabilities, are provided with an accessible learning and working environment.

### Part II: Policy Content

#### Disability

2.1 For the purpose of this Policy and related procedures an employee or student with a disability is a person who experiences a mental, cognitive, physical or sensory impairment for which they may require accommodation.

#### General

2.2 The University recognizes it is subject to The Human Rights Code (Manitoba) and the AMA, and as such has a duty to provide reasonable accommodation to employees and students with documented disabilities in its efforts to provide an accessible learning and working environment.

2.3 The concept of reasonable accommodation requires a partnership between the individual requiring the accommodation and the University. All concerned should be responsible for respecting the dignity and confidentiality of the individual who requests the accommodation.

2.4 The University shall endeavor to maintain an accessible work and learning environment at all its campuses through the provision of accommodation supports and services to employees and students with disabilities.

2.5 The University will use reasonable efforts to offer reasonable accommodation in the working and learning environments. The University will also seek to identify, remove and prevent barriers to accessibility at the University.

2.6 The University will use reasonable efforts to ensure that employment opportunities and programs of study are accessible to potential employees and students with disabilities.

#### 2.7 Confidentiality

All communication regarding the accommodation of an employee's or student's disability shall be confidential and in accordance with the University's policy and procedures related to The Personal Health Information Act (Manitoba).

### Part III: Accountability

3.1 The Office of Legal Counsel is responsible for advising the President that a formal review of this Policy is required.

3.2 The Associate Vice-President (Human Resources) and Vice-Provost (Students) are responsible for the implementation, administration and review of this Policy.

3.3 All members of the University community are responsible for complying with this Policy.

### Part IV: Authority to Approve Procedures

4.1 The Board, the Senate and the Administration may approve procedures which give effect to this Policy, in accordance with their respective jurisdiction.

### Part V: Review

5.1 Governing Document reviews shall be conducted every ten (10) years by the Responsible Executive Officer. The next scheduled review date for this Policy is {May 28, 2034}.

5.2 In the interim, this Policy may be revised or repealed if:

- (a) the Approving Body deems it necessary or desirable to do so;
- (b) the Policy is no longer legislatively or statutorily compliant; and/or
- (c) the Policy is now in conflict with another Governing Document

### Part VI: Effect on Previous Statements

6.1 This Policy is a new policy.

### Part VII: Cross References

7.1 This Policy, should be cross referenced to the following relevant Governing Documents, legislation and/or forms:

- (a) Student Accessibility Procedure;
- (b) Student Accessibility Appeal Procedure;
- (c) Respectful Work and Learning Environment Policy;
- (d) RWLE and Sexual Assault Procedure;
- (e) The Accessibility for Manitobans Act;
- (f) The Human Rights Code; and
- (g) The Personal Health Information Act.

## Student Accessibility Procedure

### Part I: Reason for Procedure

1.1 To set out Procedures secondary to the Policy entitled "The University of Manitoba Accessibility Policy" in connection with supporting an accessible learning environment where students with disabilities who are admitted to the University can gain access to and participate in all programs for which they are academically qualified.

1.2 While it is a guiding principle of this policy that all members of the University community share responsibility for creating and maintaining an accessible learning environment, the University has designated

Student Accessibility Services ("SAS") to facilitate the implementation of accommodations for students with documented disabilities.

1.3 The University's duty to provide reasonable accommodation to students with documented disabilities may obligate the University to offer a modification, substitution, or waiver. Such accommodations are consistent with the obligation to administer the University's academic programs as approved by Senate so long as

- (a) The accommodation is reasonable;
- (b) The accommodation does not create an undue hardship for the University; and
- (c) The accommodation does not compromise a defined Bona Fide Academic Requirement.

## Part II: Procedural Content

### Definitions

2.1 The terms below have the following defined meanings for the purpose of this Procedure:

- (a) **Documented Disability** means a disability requiring accommodation which has been accepted as such by Student Accessibility Services.
- (b) **Bona Fide Academic Requirement** or "BFAR" describes the knowledge and skills that a Student must acquire and /or demonstrate in order to complete a course or program successfully. These are the essential and minimum requirements, including methods of assessment that the Student must meet. Unless otherwise specified by an academic program, BFARs may be modified. They cannot be waived or substituted.
- (c) **Reasonable Accommodation** means an accommodation of the special needs of any Student, if those special needs are based upon a Documented Disability, that is reasonable but not necessarily perfect in the circumstances, that does not cause undue hardship to the University, and does not compromise a Bona Fide Academic Requirement of the University. The University is under no obligation to offer a Reasonable Accommodation (or any accommodation for that matter) on compassionate or other grounds.
- (d) Standard Accommodations are those Reasonable Accommodations that are widely accepted by post-secondary institutions in Canada, which includes but are not limited to examples of Modifications provided in section 2.2(a)(i-vi).
- (e) Non-Standard Accommodations are considered when Standard Accommodations do not address the disability-related barriers a Student is experiencing in an academic program. Non-Standard Accommodations are those Reasonable Accommodations recommended by Student Accessibility Services and considered by the Accommodation Team in accordance with section 2.24.
- (f) **Academic Staff Member** means a professor, instructor and/or academic staff person who is responsible for providing the educational program or course to a Student requiring Reasonable Accommodation.
- (g) **Accessibility Advisory Committee** (AAC) means a Faculty/School or College committee, which is responsible for advising the respective Dean/Director on matters related to accommodation and the impact of accommodation on academic standards. Other resource personnel from within or external to the University may

act as a consultant to the AAC. Since the AAC is advisory to the Dean/Director and may, at times, be in receipt of and requested to consider a Student's personal information and personal health information, student membership on the AAC is not recommended.

(h) **Accommodation Team** (AT) means the Faculty/School or College team established to work with Student Accessibility Services on the provision of Reasonable Accommodation when Student Accessibility Services identifies the Reasonable Accommodation as Non-Standard or unusual for the circumstances. It is intended AT will be engaged early on in the process when necessary.

(i) **Faculty/School** includes:

(ii) all faculties, including constituent colleges within a faculty and constituent schools of a faculty, in which students enroll for study, and including the Extended Education Division and University 1; and

(i) all schools of the University

(j) **SAS** refers to the office of Student Accessibility Services at the University of Manitoba.

(k) **Student** means any of the following individuals:

(i) Applicant- an individual who has submitted application for admission to the University;

(ii) Admitted- an individual who has accepted an offer of admission to the University;

(iii) Current- an individual who is either registered in course(s) or in a program of studies at the University or is eligible to continue in their studies at the University either because the individual meets minimum academic performance requirements or will be eligible to continue after discharging a financial hold or serving suspension.

2.2 The terms below have the following defined meanings and are types of 'Reasonable Accommodation':

(a) **Modification** means an accommodation involving a relatively minor change made to an academic requirement of a program or course. Modifications usually entail a revision to the way a Student must demonstrate required skills and knowledge, or sometimes additional assistance for a Student which does not detract from the skills and knowledge the Student must acquire. Without limitation, modifications typically include such things as:

(i) providing additional time and quiet space to write examinations;

(ii) alternate exam formats;

(iii) alternate modes of course delivery or evaluation;

(iv) provision of a note taker or interpreter;

(v) special equipment in classrooms; and

(vi) adaptive technology

(b) **Substitution** means the replacement of a certain admission criterion, prerequisite course, course/program requirement or University requirement with another that is deemed comparable.

Substitutions are commonly used to effect accommodations. Senate approves required program content including courses and other elements such as breadth, depth, math and written requirements; Faculties/Schools administer these programs. In administering a program, it may become impossible, impractical, or unfeasible for a Student to complete all program requirements exactly as approved by Senate. Deans and directors, or their designates may approve Substitutions. Deans may delegate their authority to an associate Dean or department head. Such delegations should be made in writing.

(c) **"Waiver"** means the removal of a criterion for admission, progression or graduation from a program of study. A waiver is an accommodation, but should never be offered in regard to a Bona Fide Academic Requirement. A Waiver does not include a case where a requirement is replaced by another requirement (this is a Substitution), but rather is the complete elimination of a non-essential academic requirement. Deans and Directors may approve Waivers and may delegate this authority to an associate Dean. Such delegations should be made in writing. Deans and Directors do not have the authority to waive general university academic requirements that apply to all students regardless of Faculty/College or School.

(d) **"Degree Notwithstanding a Deficiency"** means a degree that is conferred upon a Student who has not met all the Senate-approved requirements of his or her program of study and for whom no other accommodation has been approved in regard to the missing requirements. A Degree Notwithstanding a Deficiency, when approved by Senate, is the only way in which a Student may effectively obtain a Waiver of what would otherwise be considered a Bona Fide Academic Requirement. Senate alone may grant a Degree Notwithstanding a Deficiency.

### Responsibilities and Rights of Students

2.3 In order to facilitate appropriate Reasonable Accommodations of a student's disability related needs, SAS requires Students with disabilities requesting accommodations to register with the office as soon as possible.

2.4 Students registering with SAS must provide the following information in a form approved by SAS:

- (a) Name, contact information, student number; and
- (b) Documentation from a registered health professional which should include:
  - (i) Name of the registered health professional;
  - (ii) Dates of the clinical assessments performed in determining the disability and the need for Reasonable Accommodations;
  - (iii) How the disability will affect the Student in the academic setting (i.e. on campus, in classroom, lab, clinical/fieldwork and other instructional settings, and during tests and exams);
  - (iv) An indication of the duration of the Student's period of disability; and
  - (v) Recommendations for appropriate accommodations to be made for that Student, with reference to any relevant health information that may support those recommendations.

2.5 The information outlined in section 2.4 is required from the Student at time of registration and must be kept up to date.

2.6 All personal information, including personal health information, shall be kept confidential in accordance with *The Freedom of Information and Protection of Privacy Act (Manitoba)* and *The Personal Health Information Act (Manitoba)*. The information will be shared with only those who need to know in order to give effect to the Policy and assist the Student in obtaining Reasonable Accommodations.

2.7 Students must schedule a meeting with SAS staff to discuss their accommodation requirements and acquaint themselves with the SAS procedures. The following documents should be prepared by SAS staff for each Student as required:

- (a) Letter of Accommodation (outlining individual needs for distribution to instructors); and
- (b) Tests/Exams Particular Forms (to be completed for each test/exam).

2.8 As part of the registration process, Students should be made aware of the Canada Student Grant program of funding.

### The Canada Student Grant

2.9 All eligible Students will be requested to complete an application for a Canada Student Grant or notify SAS of ineligibility for the grant.

2.10 Upon receipt of a Canada Student Grant, any portion designated for services retained through the SAS office at the University should be submitted to the SAS office. A receipt will then be issued to the Student for their records.

### Responsibility and Rights of Student Accessibility Services <sup>1</sup>

2.11 Student Accessibility Services has the responsibility and right to:

- (a) Offer advice, guidance and support for Students requiring academic accommodation and assign a SAS advisor to the Student.
- (b) Request and evaluate documentation from registered health professionals provided by Students requesting assistance from SAS and assign appropriate services to meet the needs of each Student by adapting services, courses, and programs as feasible. SAS will consider the suggestions/recommendations noted in the documentation of a disability/condition but may not agree to all of the suggestions/recommendations.
- (c) On the basis of supporting documentation, make recommendations and decisions regarding Reasonable Accommodation in a timely manner. In situations where the requested academic accommodation is beyond the authority of SAS (i.e. a Substitution, Waiver, or Degree Notwithstanding a Deficiency), SAS will provide recommendations to the appropriate authority identified in section 2.2 of this procedure.
- (d) Coordinate service(s) and Reasonable Accommodation(s) for Students with Documented Disabilities to ensure that their needs are addressed.
- (e) Provide support to Academic Staff Members in accommodating and working with Students with Documented Disabilities.
- (f) Prepare the recommended accommodation plan for the Student with Documented Disabilities and send out the Letter

of Accommodation to alert Academic Staff Members to the Reasonable Accommodations in place.

(g) Inform and assist Academic Staff Members and other staff in providing Reasonable Accommodations and understanding disability issues.

(h) Ensure that the University's Bona Fide Academic Requirements will not be compromised.

(i) Work with Students and Academic Staff Members to resolve disagreements regarding recommended Reasonable Accommodation(s).

(j) Provide a focus for activity and expertise regarding disability-related Reasonable Accommodations within the University, and for liaison with outside organizations regarding accessibility issues, and programs and services for Students with disabilities at the University.

(k) Keep current with associated legislation.

(l) Prepare an annual report for the University Senate.

<sup>1</sup> Rights and Responsibilities section of policy adapted and used with permission from Mount Royal University, policy 517 Academic Accommodations for Students with Disabilities.

### **Responsibility and Rights of Academic Staff Members**

2.12 Academic Staff Members have the right to:

(a) Determine course content and methods of instruction.

(b) Ensure that the academic integrity and standards of the course are not compromised and ensure that established entry-to-practice competencies and requirements for professional disciplines are not compromised.

(c) Evaluate Student work, performance and competencies related to the course content and relevant academic standards, including failing any Student who has not passed or satisfied the course requirements.

(d) Discuss with as much notice as possible, any particular Accommodation(s) with SAS, if in the Academic Staff Member's opinion, the Accommodation(s) compromise(s) the integrity of the course.

(e) Determine the appropriate method of adapting their teaching style to meet Accommodation(s).

(f) Consult with professionals, on or off campus, to determine how best to accommodate Students with Documented Disabilities in their course.

(g) Question or challenge an Accommodation by working first with SAS and/or with any Accommodation Team or Liaison.

2.13 Academic Staff Members have the responsibility to:

(a) Support the University's commitment and obligation to accommodate Students with Documented Disabilities.

(b) Work with SAS to gain knowledge of appropriate Reasonable Accommodations(s) for Student(s).

(c) Provide Reasonable Accommodation(s) recommended by SAS without compromising the academic integrity and professional standards of the course.

(d) Maintain the Student's dignity and privacy in relation to the Documented Disability and Reasonable Accommodation.

(e) Communicate in the classes and/or course outline their willingness to meet with Students to discuss Accommodation(s) facilitated by SAS.

(f) Work with Students and SAS to resolve disagreements regarding Reasonable Accommodation(s).

(g) Work with SAS when considering Reasonable Accommodations for field trips or clinical practicum that are requested or required.

(h) Work with their Accessibility Advisory Committee and /or Accommodation Team.

### **Responsibilities and Rights of Faculties/Schools**

2.14 Each Faculty/School and/or College has the responsibility to:

(a) create and maintain an Accessibility Advisory Committee (AAC);

(b) create and maintain an Accommodation Team (AT); and

(c) ensure that the academic integrity and standards of the program are not compromised and ensure that established entry-to-practice competencies and requirements for professional disciplines are not compromised.

### **Faculty/School Accessibility Advisory Committee**

2.15 Each Faculty/School and/or College will maintain an Accessibility Advisory Committee ("AAC").

### **Membership of the Faculty/School AAC**

2.16 The Faculty/ School AAC shall consist of the following staff:

(a) The Committee Chair will be the Associate Dean or designate, as appointed by the Dean/Director;

(b) 4 -6 Academic Staff Members of the Faculty/School as appointed by the Dean/Director; and

(c) A staff representative from SAS in a consultative role.

### **Responsibilities the Faculty/School AAC**

2.17 The AAC will be responsible for:

(a) Advising the Dean on all matters related to accommodations including the resolution of conflict; and

(b) Reviewing impact of Accommodations on academic standards.

2.18 The AAC role is to:

(a) Meet a minimum of two times per year;

(b) Recommend Faculty/School or College policies and processes;

(c) Receive reports from the SAS representative;

(d) Monitor trends internally, locally, and nationally regarding appropriate accommodations/approaches to accommodation;

(e) Support the Accommodation Team in working through the logistics of accommodations, including the acquisition of resources

(f) Generally monitor and ensure student awareness of procedures and processes

(g) provide an annual report to the Dean, Faculty Council and Vice-Provost(Students) (a copy of the report shall also be provided to the Coordinator of SAS).

2.19 In fulfilling its responsibilities, an AAC will establish practices to include the following:

(a) a process to keep Student identities anonymous, unless not feasible based on the requirements of the Student;

(b) a process to work with and support the Accommodation Team.

### **Faculty/College/School Accommodation Team**

2.20 Each Faculty/School will maintain an Accommodation Team ("AT"). Where a Faculty/School is comprised of constituent Colleges, a separate AT will be maintained for each College.

2.21 The AT shall consist of the following staff appointed by the Dean/Director or designate:

(a) one or more representatives from the Faculty/School or College who have expertise and responsibilities in the area of student academic progress;

(b) a Faculty/ School or College academic staff person who can offer insight into the essential requirements of a course/program or Bona Fide Academic Requirements; and

(c) the SAS staff member assigned to Faculty/School or College as member of the team.

2.22 The AT may consult with or add individuals to meetings as needed (for example: an academic staff person with content or assessment expertise in a particular field of knowledge).

### **Responsibilities the Faculty/College/School AT**

2.23 The Accommodation Team (AT) shall have the following responsibilities:

(a) meet as required;

(b) review consider Non-Standard Accommodation recommendations made by Student Accessibility Services (SAS);

(c) upon request, help SAS facilitate the implementation of approved Non-Standard Accommodations;

(d) monitor individual student progress as needed;

(e) report to the Dean/Director if it appears that established processes and procedures are not understood or being followed by members of the Faculty/School or College;

(f) provide information, as appropriate and on a 'need-to know' basis, to the respective AAC and to other individuals as needed; and

(g) at least annually provide a report to the respective AAC of matters considered by the AT, outlining de-identified information regarding the number and types of issues considered, information

regarding observable trends (if any), and de-identified information regarding particularly important cases.

2.24 In fulfilling its responsibilities, an AT will establish practices to include an effective system of communications that includes SAS, instructors, Academic Staff Members, department heads and the associate Dean.

### **Reconsideration Process**

2.25 The reconsideration process is to review a Modification of a course or program requirement. Requests for Substitutions, Waivers, or Degree Notwithstanding a Deficiency must be referred directly to the appropriate authority identified in section 2.2 of this procedure.

2.26 Students who believe that they have not been treated fairly in accordance with this procedure or who believe they were not reasonably accommodated with the type of accommodation offered are expected first to discuss this matter with their SAS advisor.

2.27 Academic Staff Members concerned that the type of accommodation may compromise the academic integrity of a course or program of study are expected first to discuss this matter with the Student's SAS advisor.

2.28 Any matters unresolved by discussion between students, Academic Staff Members and the SAS advisor will be handled in accordance with the Student Accessibility Appeal Procedure.

### **Part III: Accountability**

3.1 The Office of Legal Counsel is responsible for advising the Provost and Vice-President (Academic) that a review of this procedure is required.

3.2 The Provost and Vice-President (Academic) is responsible for the communication, administration and interpretation of this procedure.

3.3 All Students and Employees are responsible for complying with this Policy.

### **Part IV: Review**

4.1 Formal procedure reviews will be conducted every ten (10) years. The next scheduled review date for this procedure is January 1, 2025.

4.2 In the interim this procedure may be revised or rescinded if:

(a) the Provost and Vice-President (Academic) deems it necessary; or

(b) the relevant Policy is revised or rescinded.

4.3 If this procedure is revised or rescinded, all Secondary Documents will be reviewed as soon as reasonably possible in order to ensure that they:

(a) comply with these revised procedures; or

(b) are in turn repealed.

### **Part V: Effect on Previous Statements**

5.1 This procedure supersedes the following:

(a) Accessibility for Students with Disabilities (January 26, 1995);

(b) all previous Board/Senate procedures, and resolutions on the subject matter contained herein; and

(c) all previous Administration procedures, and resolutions on the subject matter contained herein.

## **Part VI: Cross References**

6.1 This procedure should be cross referenced to the following relevant Governing Documents, legislation and/or forms:

- (a) Accessibility Policy
- (b) Student Accessibility Appeal Procedure
- (c) General Academic Regulations, Academic Calendar