

POLICY AND PROCEDURE MANUAL

Policy Title:	STUDENT EQUITY, INCLUSION AND ACCESSIBILITY SERVICES	Area of Responsibility: VICE PRESIDENT, INTERNATIONAL RELATIONS, CAMPUS DEVELOPMENT & STUDENT SERVICES
Policy Section:	STUDENT SERVICES	
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7.4 STUDENT EQUITY, INCLUSION AND ACCESSIBILITY SERVICES

Policy:

It is the policy of St. Clair College that:

1. The College will adhere to and implement practices consistent with the provisions of the [Canadian Charter of Rights and Freedoms](#), [Ontario Human Rights Code](#), [Accessibility for Ontarians with Disabilities Act](#), [Personal Health Information Protection Act](#) and [Freedom of Information and Protection of Privacy Act](#).
2. The College will not limit the number of students with a disability entering a program who meet the academic eligibility requirements. The College will not exclude a student with a disability who meets the academic eligibility requirements from any course of study based upon their disability. The College will provide students with disabilities equal rights, access and opportunity.
3. The College will not tolerate discrimination. All members of the College community have the right to learn in a supportive environment. The College will protect the learning environment and the rights of all College members.
4. For the purpose of this policy, the College will define “disability” as outlined by the Ontario Human Rights Code.

The Ontario Human Rights Code defines ‘disability’ as:

- i. Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury,

any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;

- ii. a condition of mental impairment or a developmental disability;
 - iii. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
 - iv. a mental disorder; or
 - v. an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997;
5. For the purpose of this policy, when Administration titles are listed, “or designate” is always implied.
 6. The College will provide supports and services to all students with disabilities, both temporary and permanent, with valid supporting documentation. Interim accommodation requests will be received in good faith and can be provided pending receipt of medical documentation. Retroactive accommodations will be considered based on the unique circumstances of the individual matter. The College will give all Human Rights Code-related requests for accommodation meaningful consideration.

Procedure: The student is responsible to meet with a counsellor in Accessibility Services to discuss their functional limitations and accommodation needs and provide Accessibility Services with supporting documentation. Students are not required under the Ontario Human Rights Code to disclose their disability diagnosis (with the exception of Learning Disabilities) to receive accessibility supports and services and/or academic accommodations. Students are encouraged to meet with a counsellor prior to the start of a semester to provide information and arrange accommodations.

7. Appropriate learning accommodations will be provided using an Academic Accommodation Plan to support the student as they work toward meeting the learning outcomes of the program.

Procedure: The counsellor assesses the supporting documentation and accommodation needs in relation to the academic program courses. The student and counsellor consult regarding appropriate academic accommodations which shall be detailed in a written Academic Accommodation Plan.

8. College counsellors are committed to safeguarding students’ privacy and keeping their information confidential. Information may be communicated to appropriate professional workers or public authorities under the following circumstances:
 - i. when the student gives their specific written and expressed consent to permit appropriate information to be used in a professional manner.
 - ii. when there is a clear and imminent danger to an individual or society.
 - iii. when there is suspected child abuse or neglect involving a child under the age of 16.

- iv. when required by law as part of an investigation or court proceeding.
 - v. when required to report instances of harassment or abuse by a Member of a Professional Association in accordance with the guidelines of the regulated profession.
 - vi. for the purpose of risk management/legal proceedings involving the College.
9. Distribution of Academic Accommodation Plans are the responsibility of the Accessibility Services.

Procedure: Accessibility Services will distribute Academic Accommodation Plans to instructors. In the case of a TBA instructor, the Academic Accommodation Plan will be sent to the program chair for immediate distribution to the instructor. Academic Accommodation Plans shall be distributed to the instructor by the chair and shall not be re-routed to the administrative assistant or any other person for distribution.

10. The possibility that the student might not be successful in the program, or the possibility that the student might not find related employment, are not acceptable reasons for failure to accommodate. In some circumstances the nature or degree of a student's disability may preclude the person from being able to perform the essential skills or demonstrate the essential knowledge required for a College program or course. However, a student with a disability shall not be found incapable of performing these requirements unless appropriate measures have been implemented by the College to accommodate the needs of the student with a disability in accordance with its Ontario Human Rights Code obligations.
11. Where the provision of a particular accommodation could involve an adjustment to a health or safety practice, the College shall assess the resulting risk to the student and others. If the assessed risk outweighs the benefits of the accommodation, the College may deny the accommodation on the grounds of undue hardship.
12. Assessing risk leading to undue hardship requires the gathering of objective evidence of the nature, severity, probability and scope of the risk. The presence of a disability alone is not sufficient to determine risk.
13. Where warranted, and subject to its obligation to give due consideration to any request for interim accommodation the College may require additional medical or psychological assessment before the student can be accommodated in the college setting.
14. Where a student with a disability cannot be accommodated in accordance with these principles, or where a student is found incapable of performing the essential requirements of a program or course, alternatives can be explored with the student and their counsellor. Any arrangements regarding withdrawal without academic penalty must be approved by the Vice President, Academic or designate. Issues related to fees or possible fee refunds are determined by the Associate Vice President, Registration and Student Services or designate.
15. The College will adhere to all learning accommodations listed on an Academic Accommodation Plan.

16. Student Academic Accommodation Appeals (there are two types):

- a. To provide students who disagree with their proposed Academic Accommodation Plan an opportunity to appeal their accommodations. Students have the opportunity to request a formal review using the Student Academic Accommodation Appeal Process.

Procedure:

Step One - Where a student disagrees with an Academic Accommodation Plan (i.e. the student feels the accommodations are inadequate) the student shall first attempt to resolve this with their counsellor.

Step Two - If a resolution is not reached at the informal level, the student may fill out a Formal Student Academic Accommodation Appeal Form (Appendix A) and submit it to the Director, Student Services. The Director, Student Services will provide the student with written confirmation that they have received this form within 3 business days. Upon receipt of the form, the Director, Student Services will conduct an investigation and respond to the student in writing with their decision and/or recommendations, within 5 business days.

Step Three - If the student disagrees with the Director, Student Services' decision, the student may choose to forward the Formal Student Academic Accommodation Appeal Form attaching the Director, Student Services' written decision, to the Associate Vice President, Student Services & Registrar for review. The Associate Vice President, Student Services & Registrar will investigate and provide a final decision to the student in writing within 5 business days of receipt of the form.

- b. To provide students who feel their accommodations are not being honoured by an instructor as outlined in their Academic Accommodation Plan an opportunity to request a formal review using the Formal Student Academic Accommodation Appeal Process.

Procedure:

Step One - Students are always encouraged to attempt to find resolutions to accommodation concerns by initiating conversation with their instructor.

Step Two - If unable to resolve the concern, the student should inform their counsellor immediately of any accommodations they believe are not being provided. The counsellor (with a signed Consent to Collect and Release Information) will consult with the instructor to gather information and attempt to find a resolution.

Step Three - If a resolution cannot be found, students may request a formal appeal by filling out a Formal Student Academic Accommodation Appeal Form (Appendix A) and submitting it to the Director, Student Services. The Director, Student Services will investigate the appeal and bring the concerns forward to the program chair/manager. The chair/manager will investigate and respond in writing to the Director, Student Services within 3 business days to confirm that the accommodations

will be provided and to advise/whether the instructor intends to file a Faculty Academic Accommodations Appeal.

17. Faculty Academic Accommodation Appeals:

To provide staff who disagree with the proposed Academic Accommodation Plan an opportunity to appeal any proposed accommodation where staff believes the accommodation creates undue hardship, or a significant health/ safety risk, and/or the accommodation conflicts with the learning outcomes of the course. Faculty have the opportunity to request a formal review using the Formal Faculty Academic Accommodation Appeal Process.

Process:

The Formal Faculty Academic Accommodation Appeal Process can only be used if an instructor believes accommodations listed on the Academic Accommodation Plan cause undue hardship to St. Clair College, or a significant health/safety risk and/or are in conflict with learning outcomes of a particular course/program. Faculty Academic Accommodation Appeals must be filed within two weeks of receiving the Academic Accommodation Plan.

Step One - Faculty must first discuss their concerns with the counsellor listed on the Academic Accommodation Plan.

Step Two - If a resolution is not found, the instructor may complete a Faculty Academic Accommodations Appeal Form (Appendix B) and submit it to their program chair/manager. If the program chair/manager is in support of the appeal, they will sign the form and submit it to the Director, Student Services. Academic accommodations are to be implemented in the classroom as per the Academic Accommodation Plan during the appeal process until a decision is made. The Director, Student Services will meet with the program chair/manager in attempts to find resolution within 5 business days of receiving the form.

Step Three - If the situation is unresolved, the form will be forwarded to the Associate Vice President, Registration and Student Services and the Vice President, Academic. One of the two will schedule a meeting with the program chair/manager and the Director, Student Services, at which each shall make submissions regarding any unresolved issues concerning the proposed accommodation(s). The Associate Vice President or Vice President, shall consider such submissions and will inform the program chair/manager and the Director, Student Services in writing of their decision within 3 business days of the meeting. Any decisions impacting the student's Academic Accommodation Plan will be sent to the student's counselor so they can meet with the student, inform them of any changes and offer support.

18. Retroactive Accommodations:

Retroactive Accommodations may be granted where a student is experiencing a disruption in their functioning by reason of disability but may not be able to follow the College's process for arranging accommodation. Retroactive Accommodation requests will be received and reviewed on a case by case basis considering the unique circumstance of each request. When requesting Retroactive Accommodations, students should submit this request to the College at

their “next best” opportunity following the disruption in their academic performance due to their disability.

Procedure:

Step One - Students requesting Retroactive Accommodations must first meet with a counsellor to provide information and supporting documentation for the request. The counsellor will bring the request to the appropriate College department.

Step Two - If accommodations are not provided, the student may fill out a Formal Retroactive Academic Accommodation Request Form (Appendix C). This form is to be submitted to the Director, Student Services. The Director, Student Services will respond to the student in writing that the request has been received within 3 days of receipt. The Director, Student Services will meet with the appropriate college department within 5 days and provide the student with a decision/recommendation.

Step Three - If accommodations are not provided or the student disagrees that the accommodations offered are appropriate, the Formal Retroactive Academic Accommodations Form and the Director, Student Services’ response may be forwarded to the Associate Vice President, Registration and Student Services and the Vice President, Academic for further consideration. One of the two will schedule a meeting with the program chair/manager and the Director, Student Services, at which each shall make submissions regarding any unresolved issues concerning the proposed accommodation (s). The Associate Vice President or Vice President, shall consider such submissions and will inform each of the program chair/manager, the Director, Student Services and the student in writing of their decision within 3 business days of the meeting. When granted Retroactive Accommodations, students will be free from reprisals and the Retroactive Accommodations will not appear on any of their official college documents.

19. The College will train instructional personal on relevant equity, inclusion and accessibility issues and the instructors’ role in the accommodation process.

