

## 6.4 - Learner Accommodations - Policy

Section: Students  
Subject: Learner Accommodations  
Policy: 6.4  
Approved: January 30, 2018

The purpose of this policy is to establish a guideline for accommodations of students with disabilities to ensure equity and inclusiveness, while maintaining the integrity of the curriculum. The policy applies to students applying to or enrolled in full- or part-time institute credit or adult basic education at Carlton Trail College.

Carlton Trail College is committed to achieving a learning environment that is free of discrimination, meeting its legal obligations under Saskatchewan and Canadian law. Carlton Trail College will meet its legal duty to accommodate through the provision of reasonable accommodations to the point of undue hardship, for students and applicants for admissions to Carlton Trail College academic programs or courses who are disadvantaged by educational related rules, standards, policies, or practices based on any of the prohibited grounds as identified in *The Saskatchewan Human Rights Code*.

### Definitions

**Disability:** A significant and persistent physical, intellectual, mental, psychiatric, sensory, or learning impairment as defined by the Learning Disabilities Association of Saskatchewan (LDAS - <https://www.ldas.org/about-us/definition-of-learning-disabilities/>) *The Saskatchewan Human Rights Code* ([http://www.shrc.gov.sk.ca/human\\_rights\\_code.html](http://www.shrc.gov.sk.ca/human_rights_code.html)).

**Reasonable Accommodation:** A reasonable accommodation is an economical, efficient, and effective variation from an educational rule, stand, policy, or practice that enables an individual protected under *The Saskatchewan Human Rights Code* to enjoy equal opportunities with others (See Procedure for more information regarding reasonable accommodations.)

**Duty to Accommodate:** The duty to accommodate refers to Carlton Trail College's legal obligation, in certain circumstances, to address or correct situations involving discrimination by reasonably varying educational opportunities for individuals or groups protected under *The Saskatchewan Human Rights Code*. The duty to accommodate is part of Carlton Trail College's larger legal duty not to discriminate.

**Discrimination:** Discrimination is any act, behaviour, or practice, which may be intentional or unintentional, that has the purpose or effect of imposing burdens.

Obligations, disadvantages, or preferences on a person or class of persons based on any prohibited grounds set out in *The Saskatchewan Human Rights Code*.

**Undue Hardship:** A duty to accommodate requires accommodation only to the point of undue hardship. (See Appendix B for a further discussion of the limits of the duty to accommodate).

## 6.4 - Learner Accommodations – Procedure

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As Carlton Trail College is a learner-centered institution, it will take measures to ensure that learners with disabilities have access to required services and supports. Appropriate accommodations are fundamental to support learners with disabilities; however, those accommodations cannot create undue hardship for the institution or compromise academic standards. Accommodating students with disabilities is a shared and collaborative process; staff, faculty, student advisors, and fellow managers should be educated on requirements and processes on how to accommodate students, as well as the resources available.

### Responsibilities

The search for a reasonable accommodation is a shared responsibility among the parties involved.

### Student Responsibility

Carlton Trail College students or applicants for admission to an academic program requesting reasonable accommodations or assistance are responsible for:

- Ensuring that the College is aware of his/her request for accommodation by informing their student advisor, instructor, or program manager. Students will then be required to complete a Student Request for Accommodation form in consultation with a student advisor,
- Providing reasonable notice of the requirement for accommodation,
- Providing appropriate relevant and current documentation (no older than five years) or access to relevant documentation, including medical reports or other materials as necessary, to verify the requirement for accommodation and identify the specific accommodation needs,

- Cooperating in the search for an implementation of a reasonable accommodation,
- Accepting an offer of reasonable accommodation when it effectively removes the negative impact of the educational rule, standard, policy, or practice in question (an individual requesting accommodation/assistance has a right to reasonable accommodation, not a perfect solution),
- Following the recommended plan by working closely with their student advisor and instructor(s) to ensure that the accommodation is helping the student progress;
- Attending and participate in tutor sessions where applicable,
- Meeting the essential academic requirements for the course/program, and
- Where support staff is paid directly by students, ensuring all payments are made in a timely manner. Failure to do so may result in the student no longer being able to access the needed support.

### **Student Advisor Responsibility**

Carlton Trail College student advisors are responsible for:

- Responding to student requests for accommodation. This may include obtaining sufficient relevant documentation or access to relevant documentation, including medical prognosis reports or other materials as necessary, to verify the requirement for accommodation and identify specific accommodations needed from the individual requesting accommodation/assistance. Any medical reports obtained as a request, for reasonable accommodation are managed in a strictly confidential manner, used only for the purpose of the accommodation request and maintained in accordance with the requirements of The Local Authority Freedom of Information Act and Protection of Privacy Act,
- Developing a plan for providing reasonable accommodation/assistance based on relevant documentation, and coordinating the implementation of the plan with the relevant instructors, program managers, and the individual requesting the accommodation,
- Reviewing all documents regarding disability, conduct an interview with the students and recommend an accommodation plan where appropriate, facilitate accommodations, and coordinate the requests for and assist in the provision of accommodations,
- Keeping clear written records of the request for accommodation, the options for accommodation considered, the reasonable accommodation or accommodations offered, the response of the individual requesting reasonable accommodation to these offers, the date on which the need for accommodation was identified, the date on which the accommodation was implemented, and details of any follow-up, and
- Referring requests for accommodation which appear to create undue hardship for Carlton Trail College, or for which no plan for accommodation is being implemented in a timely fashion to his/her supervisor, who will attempt to

implement a reasonable accommodation, or will refer the matter to his/her supervisor.

### **Instructor Responsibility**

Carlton Trail College instructors are responsible for:

- Understanding that instructors are the primary agents of providing student academic accommodations,
- Creating a safe and positive learning environment that is inclusive to all diverse learning needs, contacting the student advisor when learning concerns arise with a student, a student requests accommodations or assistance, and/or a student who is currently utilizing an accommodation/assistance plan is still having difficulties, and collaborating with the student advisor and program manager in creating an appropriate reasonable accommodation plan that meets the needs of the student with a disability and satisfies the essential academic requirements. If unsuccessful in developing an appropriate accommodation plan, the student advisor will refer to the Manager of ABE and Student Services for review.

## **6.4 - Learner Accommodations – Appendix A**

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### **Examples of Reasonable Accommodation**

Reasonable accommodation is very situation specific. What is required to reasonably accommodate students, applicants for admission to Carlton Trail College academic programs or courses will depend of the specific and particular needs of the individual requiring accommodation, the nature of the study, the equipment or facilities required to accomplish the learning, what is required to complete equal or near equal opportunity, the most economical, efficient, and effective variation to the rule, standard, policy, or practice which is creating discrimination, and the impact on operation and other people of various possible accommodations available.

Reasonable accommodation includes, but is not limited to the following:

- Adapting the physical environment to the needs of the individual, including the acquisition or modification of facilities, equipment or devices, or the provision of human support, such as qualified readers or interpreters.
- Varying academic rules or program requirements, not to compromise academic standards but to allow a student to demonstrate he or she has met those standards when physical or other limitation prevent them from doing so in the usual manner. For example, permitting a student with a physical disability additional time to complete an exam when that student's disability impacts his or her ability to write as quickly as other students, or making alternative arrangements for students to demonstrate required competencies when work or exams must be missed by reason of religious observance.
- Providing alternative exam writing facilities to students with disabilities that require them to use special equipment, or which limit their ability to concentrate or focus.

Reasonable accommodation does not include the following:

- Modifying academic programs or admission requirements such that the integrity of the educational standards of the program credential would be compromised.

## 6.4 - Learner Accommodations – Appendix B

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### Limits on the Duty to Accommodate

There are three broad limits on the duty to accommodate.

1. Educational or employment-related rules, standards, policies, or practices which create disadvantage do not always give rise to a duty to accommodate. In some limited circumstances this type of discrimination can be defended as "reasonable and justifiable in the circumstances", and no accommodation will be required. When the essential tasks of a job require an incumbent to operate equipment requiring vision correctable 20/20, it may not be necessary to accommodate an applicant whose vision cannot be corrected to this level. Likewise, requiring students to demonstrate that they can communicate in English at a level sufficient to succeed in a program, may adversely impact students newly arrived immigrants from countries where English is not widely

used. The requirement may nevertheless be reasonable and justifiable in any program in which instruction and testing is carried out in English.

2. A reasonable accommodation is an accommodation which economically, efficiently, and effectively eliminates or very nearly eliminates the adverse impact and provides equal opportunity. For example, changing the pre-scheduled date of a class to accommodate a religious observance for one student is not reasonable when that student can catch up by spending 15 minutes with the instructor or another student outside of class. An individual requiring accommodation should not expect or demand either a perfect solution or a solution that provides an advantage over others.
3. The duty to accommodate extends only to the point of undue hardship. Undue hardship has been interpreted to mean undue expense or excessive disruption of, or interference with the business or operations of the employer or educational institution.

When assessing undue hardship, courts in Canada consider the following factors:

- Financial costs.
- Business or institutional convenience and efficiency.
- The effect or impact on the right, health, safety, or morale of others.
- Size and resources of the overall institution.

Demonstrating undue hardship is not easy. Courts make their assessments at the organizational level rather than the department or unit level. For example, when they assess an argument for undue hardship based on financial considerations, they will look at the organization's overall resources, and not just the resources available to the unit in which the accommodation may be required. For this reason, it is imperative that individuals authorized to implement reasonable accommodations at Carlton Trail College consult with Human Resources before concluding that an accommodation will result in undue hardship.