

MEMORANDUM

Date: August 2020

To: All Chairs, Directors of Departments/Schools and Instructional Faculty

From: Dr. David Barnett, Provost and Vice-President (Academic)

Subject: **Complying with the Ontario Human Rights Commission's Guidelines with respect to Postsecondary Student Accommodations – Disabilities and Medical Conditions**

The following is a brief overview of the principles identified in the Ontario Human Rights Commission (OHRC) guidelines to ensure our on-going compliance with their policies. Should you wish more information please see the [Commission's report](http://www.ohrc.on.ca/en/learning-mind) (<http://www.ohrc.on.ca/en/learning-mind>).

What are the OHRC Expectations?

All Ontario Universities, by the start of September 2016, had to have medical documentation guidelines, medical documentation forms, and procedures in place across all divisions and Faculties that align with each of the six principles articulated below. Lakehead complied with this directive including extensive revisions to the relevant Policy - Accommodations and Access for Students with Disabilities/Medical Conditions [the Policy].

Principle 1: Do not require students to disclose their mental health disability diagnosis to register with the Office of Students with Disabilities (Student Accessibility Services), or receive accommodations or supports.

- Students are not required to disclose specifics around a diagnosis of a mental health disability
- Identification of a student's functional limitations will be used as the basis for determining appropriate academic accommodations.

Responsibility: Primarily that of Student Accessibility Services

Principle 2: Make it clear that students may request interim accommodations for mental health disabilities pending receipt of medical documentation.

- Students who may require accommodations should be directed to Student Accessibility Services for assistance. Student Accessibility Services will work with the student as well as the involved instructors.
- The Policy identifies a process to address interim accommodations for an undiagnosed health condition.

Responsibility: Primarily that of Student Accessibility Services

Principle 3: Make it clear that both temporary and permanent mental health disabilities will be accommodated.

- This is conveyed to all students at the beginning of each term. Student Accessibility Services will provide information about the process to acquire academic accommodations via an email communication and other notification mechanisms.
- The Policy identifies the following best practices to determine Academic Accommodations including:
 - establish teams with different areas of expertise including Faculty representatives as well as accessibility professionals to deal with complex accommodation issues
 - establish Accommodation Advisory Committees for each school/faculty
 - implement the process to address appeals

Responsibility: Primarily that of Student Accessibility Services

Principle 4: Do not state or imply that requests for accommodation after a deadline, test or course completion (i.e. retroactive accommodation) will not be considered.

- Requests for retroactive accommodation are considered on a case-by-case basis – a collaborative process that involves Student Accessibility Services working with the department involved.
- The Policy identifies a process for reviewing retroactive accommodations

Responsibility: Primarily that of Student Accessibility Services

Principle 5: Do not require students to reveal their private medical information to, or seek accommodation directly from, their professors, instructors, teaching assistants, etc.

- Faculty are to maintain the confidentiality of all accommodation-related information, securely store Confidential Accommodation Plans
Responsibility: Instructors
- Information regarding a student's disability and/or accommodations must not be shared with others
Responsibility: Instructors and anyone with access to such information.
- A student's involvement with disability services (Student Accessibility Services) and the fact that the student received academic accommodations is not to be identified on the student's official university records, test results, academic transcripts or graduation documents
Responsibility: Office of Academic Advising, Registration and Records
- While students are encouraged to take an active role in the accommodation process, including actively engaging with professors and teaching assistants to discuss how their accommodations are to be implemented, it is recognized that some students need or prefer to rely upon Student Accessibility Services to do this.

Responsibility: Primarily that of Student Accessibility Services

Principle 6: These expectations and principles are clearly communicated to all students, faculty and staff.

- Students should receive information about academic accommodation at the beginning of each term
Responsibility: Student Accessibility Services will, at the start of each term, send out messaging to all students about the availability and process to access academic accommodations
- It is important to note that although the Lakehead University Faculty Union Collective Agreement specifies the minimum amount of information that must be provided to students in course outlines, legislation such as the *Ontario Human Rights Code* (Code) and the *Accessibility for Ontarians with Disabilities Act* (AODA) provide baseline conditions that all employers must follow, regardless of whether they are included in Collective Agreement language.
- An example of such a message currently used by the Faculty of Education for course syllabi is shown below:

STUDENT ACCESSIBILITY SERVICES

Lakehead University is committed to achieving full accessibility for persons with disabilities. Part of this commitment includes arranging academic accommodations for students with disabilities to ensure they have an equitable opportunity to participate in all of their academic activities. If you are a student with a disability and think you may need accommodations, you are strongly encouraged to contact Student Accessibility Services (SAS) and register as early as possible. For more information, please visit <https://www.lakeheadu.ca/faculty-and-staff/departments/services/sas>

In Summary:

I am asking that all Chairs and Directors, as well as all instructors and faculty members, become familiar with these expectations and incorporate these principles and best practices into your work with students. An on-line Accommodation education module, developed by the Office of Human Rights and Equity, is also available on D2L to support your learning in this area.

Chairs and Directors are further asked to ensure that as new instructors are hired, they are provided with this memo as part of their orientation materials.

I am aware that Lakehead University has a high degree of collaboration and cooperation from its faculty and staff when working with students requiring accommodations. Thank you for that commitment.

While some of the principles and expectations articulated from OHRC may be newer and somewhat different from some of our past practices they are, none-the-less, now expectations and obligations to which we must comply.

.../4

It is also important to note that our duty to accommodate extends to other human rights grounds such as, but not limited to, family status, age, and creed as well as to survivors of sexual violence. These latter types of accommodations are managed by the Office of Human Rights and Equity. Should you have any questions around these matters, please direct your queries to any of the following:

- Your Faculty Dean
- Manager of Student Accessibility Services
- Office of Human Rights and Equity

Thank you for taking the time to read and review this very important matter.



David W. Barnett, D. Sc., P. Eng.
Provost and Vice-President (Academic)

/mt