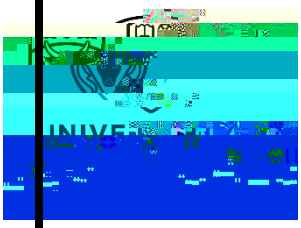

University Policy
University Procedure
Operating Standard
Guideline/Form

Student Accommodation Policy

Classification
Academic Operations

Approval Authority

Effective Date
July 1, 2015

Last Revision
N/A

Table of Contents

1 Purpose 1
2 Scope 1
3 Definitions 1
4 Policy Statement 3
5 Special Situations 5
6 Responsibilities 5
7 Appendices 6
8 Related Policies 6
9 Related Procedures 6
10 Related Guidelines/Forms 6
11 Related Information 7
12 References 7
13 History 7

1 Purpose

The purpose of this policy is to set out the University's Duty to Accommodate Students, in its role as a service provider, under the Alberta Human Rights Act.

2 Scope

This policy applies to Instructors, other Employees, other Contractors and Students at the University's campuses in Alberta.

3 Definitions

In this policy:

a) "Academic Staff Member" means an individual who is engaged to work for the University and is identified as an academic staff member under Article 1 of the collective agreement between the Faculty Association of the University of Calgary and the Governors of the University of Calgary in effect at the relevant time.

b) "Accommodation" means providing support to access services, courses, courses of study or programs, making exemptions to any regulations, policies, standards or practices, or making modifications to physical environments to the extent necessary to address discrimination against a Student based on any Protected Ground.

c) "Act" means the Alberta Human Rights Act in force at the relevant time.

d) "Appointee" means an individual who is engaged to work for the University, or whose work is affiliated with the University, through a letter of appointment, including adjunct faculty, clinical appointments, and visiting researchers and scholars.

e) "*Bona Fide* Educational Requirements" means the admission, progression and graduation requirements that are essential to maintain the academic integrity of a

course, course of study or program, including the requirements for Students to acquire and demonstrate essential skills and knowledge related to course objectives and learning outcomes and, if applicable, any professional licensing requirements.

f) "Business Days" means days that the University is open for business, excluding weekends and holiday closures.

g) "Contractor" means an individual or a corporation or other entity who agrees to furnish materials to, or perform services for, the University for consideration.

h) "Disability" means any degree of physical disability or mental disability as defined and interpreted pursuant to the Act, regardless of cause or duration.

i) "Duty to Accommodate" means the legal duty to accommodate an individual's needs based on a Protected Ground.

j) "Employee" means an individual, other than an Academic Staff Member or Appointee, who is engaged to work for the University under an employment contract.

k) "Instructor" means the Academic Staff Member, Appointee or other individual that is on record as the individual teaching a course or the Academic Staff Member serving as the supervisor or co-supervisor of a graduate Student.

l) "Letter of Accommodation" means the document prepared by the University and provided to the Student that details the Reasonable Accommodation.

m) "Protected Grounds" means the grounds listed in Section 4 of the Act as they are defined and interpreted pursuant to the Act including:

i. race;
ii. religious beliefs;
iii. colour;
iv. gender;
v. gender identity;
vi. gender expression;
vii. physical disability;
viii. mental disability;
ix. age;
x. ancestry;
xi. place of origin;
xii. marital status;
xiii. source of income;
xiv. family status; and
xv. sexual orientation.

n) "Reasonable Accommodation" means an Accommodation that addresses discrimination based on a Protected Ground that does not create an Undue Hardship for the University.

o) "SAS" means Student Accessibility Services.

p) "Student" means an individual registered in a University course or program of study.

q) "Undue Hardship" means the legal standard where a proposed Accommodation would create unreasonable hardship for the University.

r) "University" means the University of Calgary.

4.19 Determinations of Undue Hardship should be made in consultation with University Legal Services. Undue Hardship is a difficult legal standard to meet and in most cases a Reasonable Accommodation will be available.

4.20 The Instructor, Associate Dean, Department Head, designated contact person or Vice-Provost (Student Experience) will document the request for Accommodation and any Accommodation options that are discussed with the Student.

Letter of Accommodation

4.21 When a Reasonable Accommodation has been identified, the Instructor, Associate

a) ensure that the statement relating to the University's Duty to Accommodate Students is included in all course outlines;
b) respond to Student requests for Accommodation in accordance with this policy;
c) work with the Student requesting an Accommodation, SAS, the Associate Dean, the Department Head or the designated contact person and/or the Vice-Provost (Student Experience) to facilitate Reasonable Accommodation; and
d) comply with the terms of any Letter of Accommodation.

6.3 Associate Deans and Department Heads will:

a) respond to Student requests for Accommodation in accordance with this policy;
b) work with the Student requesting an Accommodation, the Instructor, SAS, and/or the Vice-Provost (Student Experience) to facilitate Reasonable Accommodation; and
c) comply with the terms of any Letter of Accommodation.

6.4 SAS will:

a) respond to Student requests for Accommodation in accordance with this policy and the Procedure for Accommodations for Students with Disabilities; and
b) comply with the terms of any Letter of Accommodation.

6.5 If a department or faculty has designated a central contact person for Accommodation requests, that person will:

a) respond to Student requests for Accommodation in accordance with this policy; and
b) work with the Student requesting an Accommodation, the Instructor, the

11 Related Information Duty to Accommodate Students with Disabilities in Post-

Appendix A: Student Accommodation FAQs

Frequently Asked Questions for Instructors, Deans, Associate Deans, and Department Heads

1. **Question: Why do we have a Student Accommodation Policy?**
   Answer: The University has implemented a Student Accommodation Policy to ensure that the University community is aware of the legal requirement to accommodate students under the Alberta Human Rights Act and to communicate to the University community the process by which the University evaluates requests for accommodation and implements the approved accommodation plan.

2. **Question: Why is the University of Calgary obligated to accommodate students?**
   Answer: Like all other post-secondary institutions, the University of Calgary's operations in Alberta are under the jurisdiction of the provincial human rights law. The Alberta Human Rights Act provides that people are entitled to be free from discrimination on a number of protected grounds, which includes the right to have those grounds accommodated by employers and providers of public services (such as universities). The obligation to accommodate is mandatory and not discretionary. The University has a duty to accommodate up to the point of undue hardship.

3. **Question: When students sign up for a course they know what the expectations are from the beginning. Why are we obliged to give special consideration to them after the fact?**
   Answer: Because that is what the law requires. Human rights legislation is quasi-constitutional which means that other laws and rules are subordinate to it. So if a student signs up for a course and knows prior to registering that the course has an exam scheduled on a holy day, the student is still entitled to register for the course and the University is obligated to accommodate the absence.

4. **Question: In what circumstances is the University required to accommodate students?**
   Answer: The duty to accommodate is triggered by notice. If a student notifies a University representative (any university employee, instructor, faculty member, etc.) of a request for accommodation and that request is based on a protected ground, thl,s e-3

8. Question: What happens if the requested accommodation conflicts with another protected ground?

Answer: There may be instances where a request for accommodation involves two competing or conflicting grounds (for example religion and gender or sexual orientation). The Alberta Human Rights Act does not prioritize any one ground over another. These situations require a more complicated legal analysis and should be forwarded to Legal Services for advice prior to any response.

9. Question: What is meant by "undue hardship"?

Answer: The University is obligated to provide reasonable accommodation to the point of "undue hardship". Undue hardship is a difficult legal standard to meet and some level of hardship is expected. Undue hardship may be met if the University can show that the requested accommodation cannot be met due to financial cost, safety concerns, bona fide educational requirements or substantial interference with the right of other students.

The Alberta Human Rights Commission has provided the following guidance with respect to undue hardship. Factors that may amount to undue hardship for a post-secondary institution include:

Financial cost that hurts the viability of the service, program or institution. To be considered an undue hardship, the financial cost of an accommodation must amount to a substantial part of the institution's overall budget. The larger the institution, the less likely it is that the financial cost of accommodation will amount to undue hardship. The financial cost of individual accommodation rarely reaches the point of undue hardship.

Students cannot meet the requirements for entering or completing a course or program. The institution will have to demonstrate that the requirements and standards are necessary for entering or completing a course or program and therefore accommodating a student would cause an undue hardship.

Significant interference with the rights of other students. The institution will have to demonstrate that the accommodation would result in essential elements of a service or a program not being offered to other students as a result of accommodating an individual or group of students.

Health and safety concerns for the student being accommodated or for other students or service providers. The institution will not only have to reliably identify and measure the risks to health and safety, but also determine who bears the risk. Risk that is limited to the person being accommodated often does not amount to an undue hardship, whereas risk to other persons may. Safety and health risks that contravene legally required occupational health and safety and workers' compensation requirements may be considered an undue hardship.

19. Question: Should I extend deadlines or grade students with disabilities differently?

Answer: No, not unless extensions or modifications to grading requirements have been included in the Letter of Accommodation. Students with disabilities are expected to meet the same standards as other students and should not be graded differently.

20. Question: Are faculty and instructors required to verify or approve the accommodations recommended by SAS?

Answer: No. The responsibility for determining what accommodations the student is legally entitled to reside with SAS as the institution's designated authority on issues of student disability and access. While the Letter of Accommodation asks for the instructor

The electronic version obtained from www.ucalgary.ca/policies is the official version of this document.