

FACULTY OF GRADUATE STUDIES - YORK UNIVERSITY

**Dean's Task Force on Graduate Students with Disabilities:**

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**Policy Recommendations to Senate**

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**8/5/2014**

Final report to Senate of the Dean's Task Force on Graduate Students with Disabilities summarizing its review of policy and procedures leading to guiding principles and policy recommendations relating specifically to accommodating graduate students with disabilities.

## **Dean's Task Force on Graduate Students with Disabilities: Policy Recommendations to Senate. May 2014**

### **Context:**

In 2011, a task force was struck by former Associate Vice-Provost and Dean of the Faculty of Graduate Studies, Alan Hutchison to examine the issues and concerns related to the provision and oversight of accommodations for graduate students with disabilities. In January 2014, under the direction of AVP and Dean of the Faculty of Graduate Studies, Barbara Crow, the Task Force was charged with reviewing policy and procedures pertaining to accommodating graduate students with disabilities and with preparing a report of guiding principles and policy recommendations relating specifically to *graduate students with disabilities* that would assist Senate Chair Roxanne Mykitiuk in the development of the Senate Draft on Recommendations for Accommodating Students with Disabilities. The 2013-14 Task Force was chaired by Karen Krasny, Associate Dean, Academic in the Faculty of Graduate Studies and committee members were: Heather Moore, Student Affairs Officer (FGS), Sheila Wilmot, Equity Officer CUPE 3903, Adrie Naylor, Graduate Students Association (GSA) Representative, Marc Wilchesky, Executive Director, Counselling and Disability Services, Marcus Reisenleitner, Graduate Program Director, Humanities, Danielle Tucker, Vice-Chair Students of Access York, Nancy La Monica, PhD Researcher, Kaley Rosen, former Vice-Chair Students of Access York, Obaid Daud, Graduate Student Representative, Rehaana Manek, GSA Representative, Sabrina Charles, FGS Work Study.

In preparing this report, the task force reviewed qualitative data collected through focus groups with graduate students held in April 2014 (Appendix A) and online feedback from graduate students in response to a university-wide call. Members shared and reviewed policies of other Canadian universities. In particular, Task Force members made a detailed review of the recent *Cooper Report* (2012) struck by the *ad hoc* Committee of Senate Executive to Examining Accommodation of Students with Disabilities and Governance Procedures Related to Academic Requirements at the University of Manitoba. Members read and reviewed other guiding principles and policy recommendations issued by several other universities only to find that few focused specifically on the needs of graduate students with disabilities.

The recommendations outlined in this report were developed in consideration of the Ontario Human Rights Code, Accessibility for Ontarians with Disabilities Act (2005), Council of Ontario Universities with particular reference to the Rose Report "Accommodating Graduate Students with Disabilities" (2010) and FGS and current York University Senate Policy. Beyond an articulation of guiding principles and policy recommendations on the provision of accommodations, this report sets forth strategic recommendations for implementation. It is difficult to determine the exact number of graduate students with disabilities at York University as many may choose not to disclose and register with York's Counselling and Disability Services. In 2012-13, 129 graduate students with disabilities were registered with CDS. The range of disabilities on record included acquired brain injury, attention deficit hyperactivity disorder (ADHD), chronic illness/systemic/medical disabilities, confirmed learning disability, deaf/deafened/hard-of-hearing, low vision/blind, mobility/functional, psychiatric disability, and unconfirmed learning

disability (table 1). These categories are consistent with Ministry of Training, Colleges and Universities (MTCU), to whom CDS reports annually. For the purposes of this report, data was obtained for the years 2008 through 2013 (Appendix B) with psychiatric disabilities consistently numbering the highest among the disabilities on record. In 2012-13, 62 of the 129 graduate students with disabilities registered with CDS had a confirmed psychiatric disability suggesting that all graduate faculty, staff and students would continue to benefit from initiatives aimed at better understanding mental health issues in relation to teaching and learning and the provision of accommodations at an advanced level of study. The 23 graduate students with a confirmed learning disability constitute the next largest group of graduate students with disabilities among those registered with CDS in 2012-13.

### **Guiding Principles on Disability and Accommodation**

**Disability** is defined by the Ontario Human Rights Code (Section 10) R.S.O. 1990 c.H-19:

- (a) 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;
- (b) a condition of mental impairment or a developmental disability;
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997; (“handicap”).

### **Accommodation**

In consultation with faculty and staff, CDS provides comprehensive psychological and academic support services to students seeking **accommodations** related to learning, mental health, physical, sensory or medical disabilities than maintain the dignity of the person. Section 1 of the Ontario Human Rights Code states “every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of”, among other grounds, “disability”.

The provision of accommodations for graduate students with disabilities is enshrined in the Ontario Human Rights Code and is directed and upheld by the following:

(2) No tribunal or court shall find that a qualification under clause (1) (b) is reasonable and *bona fide* unless it is satisfied that the circumstances of the person cannot be accommodated without undue hardship on the person responsible for accommodating those circumstances considering the cost, outside sources of funding, if any, and health and safety requirements, if any. R.S.O. 1990, c. H.19, s. 24 (2); 1994, c. 27, s. 65 (4); 2002, c. 18, Sched. C, s. 4 (1); 2006, c. 30, s. 3 (1).

In other words, all Ontario education service providers have a **duty to accommodate** the disability-related needs of students up to the point of undue hardship. On its website, ARCH, Disabilities Law Centre, a legal clinic with a provincial mandate dedicated to defending and advancing the equality rights of people with disabilities in Ontario provides the following examples of disability-related accommodations in post-secondary institutions:

- A modified curriculum
  - Extra time for completing tests, exams and assignments
  - Alternative forms of evaluation
  - Academic materials in advance, and/or in alternative formats
  - Provision of and training on adaptive technology
  - Assistance and supports in class
  - Modify the way the student is expected to complete the essential requirements of a program
  - For grad students changing expectations of job requirements of a TA or RA.
- (<http://www.archdisabilitylaw.ca/>)

The Dean's Task Force wishes to advance a uniform and critical understanding of "*bona fide* academic requirement with respect to graduate programs and the duty to accommodate and cites the following sections from the *Cooper Report* (2012):

Where a requested accommodation may impact an academic requirement, consideration must be given to how essential the requirement is to the particular program. The requirement must only be treated as a *bona fide* academic requirement where the determination of such can be shown to be based upon strong objective evidence and be defensible, perhaps even in the face of legal challenge. (pp. 161-162)

b. *Bona Fide Academic Requirements*: A *bone fide* academic requirement is a component of an academic program which is determined to be an essential course, skill, experience, item of knowledge or outcome for the program, i.e., those components of a program that, in the reasonable view of the unit, cannot be waived without fatal consequences for the academic integrity of the program. By implication, it may be that not all academic requirements are essential for the academic integrity of a given program, and would not be among the sub-set of "*bona fide*" requirements. (p. 163)

Furthermore, task form members urge Senate to consider the following recommendation:

The combined imperatives of providing reasonable accommodations and of satisfying all *bona fide* academic requirements lead, inevitably, to the need for academic units and Senate to define and justify, in advance, the *bona fide* academic requirement of each program. Once these requirement are approved by Senate, they cannot be changed without the approval of Senate. If the only accommodation that can be found undermines a *bona fide* academic requirement, then no accommodation should be made. The Committee advises that the absence of defined *bona fide* requirements renders a program vulnerable to the granting of an accommodation that could undermine its integrity. (*Cooper Report*, 2012, p. 155)

## **Task Force Recommendations**

Members of the task force met on June 9, 2014 to consolidate their recommendations to inform the development of the Senate Draft on Accommodations for Students with Disabilities under three broad themes: (1) **Education, Training and Awareness**, (2) **Accommodation and Accessibility**, and (3) **Financial**.

### **1) Education, Training, and Awareness:**

Task force members strongly recommend that the **Faculty of Graduate Studies partner with Learning and Organizational Development in making the three 1.5-hour Accessible Customer Service modules mandatory awareness training for all graduate course directors and supervisors**. Task force members agreed that awareness training should be tied to FGS appointments with new faculty completing the existing modules by Jan 1, 2015 and existing FGS faculty completing by December 2016. It is also suggested that FGS work with LOD in the further development of the present online modules in order to extend the focus on understanding the AODA and the Accessibility Standards and practice for customer service to include a particular emphasis on accommodating graduate students in the classroom and workplace.

It was recommended that all **Graduate Student Orientations at the FGS and program-based level provide consistent information on disclosing and registering a disability**. The development of a flow chart for students indicating how to document and request accommodations is currently in development for inclusion in a **Graduate Students with Disabilities Handbook** and for distribution in Graduate Program Offices and FGS in York Lanes and should be made available to students at orientation sessions and presented to both GPDs and GPAs.

Task force members also recommended the development of a **graduate faculty protocol**—a set of guidelines to direct faculty in effectively responding to students who indicate that they are seeking accommodations for a disability.

It was recognized that international graduate students registering a disability put themselves at risk of not being able to renew their visa. The Task Force recommends that **York engage in inter-university dialogue and cooperation** in seeking a solution to this apparent dilemma and in advocating for graduate students with disabilities on a national level.

### **2) Accommodation & Accessibility:**

Full time graduate students at York University are also York employees and therefore, the proposed recommendations aim to support York University's commitment "to working towards a barrier-free workplace and to expanding the accessibility of the workplace to persons with disabilities" (Accommodations in Employment for Persons with Disabilities, York University Policies and Procedures, 1994). Overwhelmingly, graduate student feedback from focus groups and task force discussions indicate **York needs to take steps to fully address the needs of graduate students with disabilities as they take up their roles as Teaching Assistants, Graduate Assistants, Research Assistants and Course Directors**. Task force members recommend **ongoing**

**collaboration among FGS, Human Resources/Employee Well Being Office, Counselling and Disability Services, Graduate Programs, and Undergraduate Coordinators** in providing coordination and in clearly delineating the processes among all parties in support of graduate students with disabilities in the fulfillment their work obligations and in accordance with the CUPE 3903 Collective Agreement. It was strongly suggested that **FGS maintain oversight and act as a liaison among the various units** since it the central unit for graduate student supports and services and actively works to ensure compliance with collective agreements and primary legislation and university policy documents. In addition, task force members expressed the need to **extend FGS oversight to supporting international graduate students with disabilities** in consultation with York International which would remain the point of contact for the resolution of immigration issues and processes.

Task force members recommend that the university **conduct regular room audits** and that a **Room Accessibility List including services be readily available online to all faculty and students and distributed to GPDs, UPCs, and GPAs** so as to avoid unexpected accessibility issues related to graduate students' in class and workplace experience. Members voiced considerable concern that attention to the provision of accommodations move beyond compliance to actively focus on issues of implementation and operations. To that end, task force members recommend that there be **an assigned individual (ombudsperson) or unit clearly identified as responsible to monitor and respond to occasions of restricted accessibility resulting from construction and weather conditions** and that individual or unit be the point of contact to field inquiries and post accessible and updated information regarding room accessibility and routing.

Task Force members suggest that upon submission of this report, the Dean's Task Force on Graduate Students with Disabilities be integrated into a **pan-university committee** with representation from students with disabilities the various administrative and academic units engaged in monitoring the university's compliance with legislation and policy documents and in assuring the provision of accommodations for all students with disabilities.

A longstanding **shortage of ASL interpreters** prompted the members of the Task Force to recommend that **York University assume a leadership role** and use national graduate studies fora to collaboratively seek solutions to this ongoing problem and explore the feasibility of establishing national ASL interpreter networks and remote interpreting services. Members further recommend that **York work with other Canadian/Ontario universities in setting a clear policy for payment of interpreting services** associated with university hosted graduate student conferences and with the financial costs of accommodating Ontario Visiting Graduate Students (OVGS).

Task force members highly recommend that **every new initiative and activity proposed for graduate students be considered with the needs of graduate students with disabilities in mind prior to its approval and implementation**. For example, FGS and graduate program faculty need to consider the needs of graduate students with disabilities and the technological potential and limitations in the development and approval of new online and blended courses and that certain computer-assisted learning software may be incompatible with the Moodle platform widely in use. Members of the task force are recommending that FGS develop and post a statement of

accommodation for graduate students with disabilities that would encourage their active and welcome participation in the 3MT® Competition prior to, or in the coordination with, the online and print promotional launch for the 2015 competition.

Members of the task force support the recent recommendation by the Access York Executive Committee contained in its Report to PACHR dated June 23, 2014 that “...**Access York be discontinued as a stand-alone committee, and be reorganized under the auspices of York’s Centre for Human Rights**” and strongly recommends that the Centre undertake initiatives directed at **hiring a Disability Education Specialist**. The perception has been that the recent adjustment of the Employee Well-Being Office to facilitate the implementation of the Disability Management Program has yet to work to students’ benefit. It is recommended **that FGS work with EWO to ensure that the correct protocols in the CUPE collective agreement are being followed equitably and in compliance with confidentiality policies.**

Focus group feedback in response to the **Handbook for Graduate Students with Disabilities** currently in development confirmed task force members recommendation that **all faculty, staff and students should have ready access** to the Handbook and that it include a **flow chart mapping the existing services and steps to registering a disability and securing the accommodations needed**. So too, should it assist teaching faculty in understanding what to do in response to student disclosure, the services available, and how to accommodate the needs of the student in ways that preserve the dignity of the individual and assure confidentiality. Task force members recognize that students maintain the right to choose to disclose and/or register their disability with CDS with many preferring to seek accommodations through direct discussion with course director or program administrators.

Overall, task force members recognized the need for coherence across university units to establish better systems of communication and coordination regarding policy, procedures and services in support of graduate students with disabilities.

### **3) Financial**

Task force members and focus group feedback reported that **graduate students with disabilities continue to have difficulty with funding in PhD VII and VIII**. While CUPE 3903 provides an additional year of priority pool entitlement and funding (Sect. 12.03.2) and one further year of full-time status without funding for graduate students with disabilities, provincial government reporting does not allow for the university to account for this accommodation related to time to completion. It is recommended **that FGS continue to investigate and advocate for solutions directed at reconciling the incongruence in administrative reporting**. Further, the task force members do not recommend Queen’s University’s solution to spread out one year of funding across two for graduate students with disabilities as an equitable solution. Also, while graduate students with disabilities are entitled to two further years of full-time study, they require the same access to external scholarships (OGS) and internal bursaries and awards as students registered in PhD Years I through VI.

Disability is not static and therefore, accommodations must be monitored and reevaluated over time. Task force members recommend there be **a uniform understanding among CDS, university administration, and students about the university's obligation to investigate the individualized assessment of the person with a disability, take the appropriate steps to sufficiently determine a range of appropriate accommodations and where necessary, incur the cost associated with additional testing to reconfirm or updating past diagnoses.**



## SUMMARY OF RECOMMENDATIONS

We the Members of the Dean's Task Force on Graduate Students with Disabilities recommend the following:

1. That Faculty of Graduate Studies partner with Learning and Organizational Development in making the three 1.5-hour Accessible Customer Service modules mandatory awareness training for all graduate course directors and supervisors .
2. That awareness training should be tied to FGS appointments with new faculty completing the existing modules by January 1, 2015 and existing FGS faculty completing by December 2016.
3. That FGS work with LOD in the further development of the present online modules in order to extend the focus on understanding the AODA and Accessibility Standards and practice for customer service to include a particular emphasis on accommodating graduate student in the classroom and workplace.
4. That Graduate Student Orientations at the FGS and program-based level provide consistent information on disclosing and registering a disability
5. That FGS continue the development of a Handbook for Graduate Students with Disabilities in response to for online and print distribution.
6. That FGS work to develop a graduate faculty protocol—a set of guidelines to support students in seeking accommodations informed by laws, policies, procedures and practices related to accommodations, including, for example, privacy law and specific provisions contained in copyright regulations.
7. That York University engage in inter-university dialogue and cooperation in advocating for international graduate students with disabilities.
8. That York take steps to fully address the needs of graduate students with disabilities as they take up their roles as Teaching Assistant, Graduate Assistants, Research Assistants and Course Directors through ongoing collaboration among FGS Human Resources/Employee Well Being Office, Counselling and Disability Services, Graduate Programs, and Undergraduate Coordinators with FGS providing oversight.
9. That the university conduct regular room audits and that a Room Accessibility List be readily available online to all faculty and students and distributed to GPDs, UPCs, and GPAs.
10. That there be an assigned individual (ombudsperson) or unit clearly identified as responsible to monitor and respond to occasions of restricted accessibility resulting from construction and weather conditions.
11. That a pan-university committee be established with representation from graduate students with disabilities and the various units responsible for compliance and oversight of the accommodating graduate students with disabilities.
12. That York assume a leadership role in seeking solutions to address the longstanding shortage of ASL interpreters.

13. That York work with other Canadian/Ontario universities in setting a clear policy for payment of interpreting services associate with university-hosted graduate student conferences and accommodating Ontario Visiting Graduate Students
14. That every new initiative and activity proposed for graduate students be considered with the needs of graduate students with disabilities in mind prior to its approval and implementation. Furthermore, that York administration and operations proactively emphasize *accessibility* insofar as *accessibility* addresses barriers in the design phase before they are created to reduce the need for *accommodations*.
15. That the York's Centre for Human Rights undertake initiatives directed at hiring a Disability Education Specialist.
16. That FGS work with EWO to ensure that the correct protocols in the CUPE collective agreement are being followed equitably and in compliance with confidentiality policies.
17. That all faculty, staff, and students have ready access to the Handbook for Graduate Students with Disabilities once approved and that it contain a flow chart mapping existing services and steps to registering a disability and securing the accommodations needed.
18. That FGS continue to investigate and advocate for solutions directed at reconciling the administrative incongruence as it pertains to the entitlement of graduate students with disabilities to an additional year in the priority pool and provincial reporting procedures. Furthermore, that FGS ensure that information regarding disabled grad students' access to two additional years of funding for full time studies at both the PhD and Masters level is readily available and distributed through Graduate handbooks, websites, and at relevant training sessions for faculty, staff, and students.
19. That FGS seek ways to secure for graduate students with disabilities registered in PhD VII and VIII the same access to external (OGS) and internal awards and bursaries as students registered in PhD Years 1 through VI. Furthermore, that FGS investigate the possibility of providing of internal bursary and award opportunities for students with documented permanent disabilities registered as part-time.
20. That there be a uniform understanding among CDS, university administration, and students about the university's obligation to investigate the individualized assessment of the person with a disability, take the appropriate steps to determine a range of appropriate accommodations, and incur the costs associated with additional testing to reconfirm or updating past diagnoses.

## REFERENCES

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## APPENDIX A

Dean's Task Force on Graduate Students with Disabilities

FOCUS GROUP QUESTIONS

1. What challenges do you face as a graduate student with a disability attending York University?
2. What issues and concerns do you have regarding accommodation and accessibility at York University?
3. What recommendations do you have for enhancing the graduate experience for students with disabilities?
4. What people, programs, or offices at York University do you currently rely on to ensure that any of your accommodation or accessibility needs are met?
5. What do you think York University currently does well in the area of accessibility and accommodation for students with disabilities?
6. The task force is in the process of developing a Handbook for Graduate Students with Disabilities. What information would you like to see included in the Handbook? To whom do you think the handbook should be distributed?
7. What is the most important recommendation you would like to see implemented in the Senate Policy on the accommodation of students with disabilities?

## APPENDIX B

<b>Disability</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>
Acquired Brain Injury	0	1	0	1	2
Attention Deficit / Hyperactivity Disorder	8	10	12	8	6
Chronic Illness / Systemic / Medical	2	15	21	20	18
Confirmed Learning Disability	38	28	28	18	23
Deaf / Deafened / Hard-of-Hearing	1	2	1	3	3
Low Vision / Blind	2	3	5	4	3
Mobility / Functional	3	14	12	15	11
Other	0	0	1	1	0
Psychiatric Disability	49	62	57	74	62
Unconfirmed Learning Disability	5	2	1	3	1
<b>Total</b>	<b>108</b>	<b>137</b>	<b>138</b>	<b>147</b>	<b>129</b>

**Table 1. Graduate Students with Disabilities Registered with CDS 2008-2013**