



## **AGSEM Executive Committee's Comments on the New McGill Policy Concerning the Right to Accommodation for Students with Disabilities**

### **Draft Policy:**

<https://www.mcgill.ca/studentlifeandlearning/current-projects/accommodations-policy>

**Deadline: Aug 13**

### **General Issues:**

- First, this commentary uses identity-first language (“disabled people”) not person-first (“persons with disabilities”). Many have written about this particular issue, but one major issue is that many disabled people themselves prefer identity-first over person-first. However, McGill has not allowed conversations about what language to use, even though this has been pointed out by disabled students to the OSD and the Associate Provost of Equity and Academic Policies: active consultation with disabled McGill community members could have facilitated this.
- While MAUT was consulted, there was no AGSEM consultation. This is unfortunate, as Invigilators and TAs frequently work with disabled students (and some Invigilators and TAs are disabled students). Consulting with AGSEM on this policy could have helped better assess ways to reduce and eliminate barriers to students’ academic success.
- The Senate Subcommittee on Persons with Disabilities was not involved in the process of creating this document before it was released to the general McGill community.
- This is a substantial lengthening in policy (3 pages to 7 pages), with a lot of caveats that actually seek to exclude disabled students from accommodations. This is deeply concerning.
- The framing of this entire policy puts disability as something to be accommodated—a problem to be managed—instead of something that McGill can be proactive about. McGill has had ongoing declarations and policies about accessible teaching and universal design, but it remains a serious issue on-campus. McGill must be better at

creating a more accessible, more equitable University. McGill should use a [social model of disability](#), instead of individual or medical models.

- McGill must ensure that the OSD has scope to act by amending policies not limited to the University Student Assessment Policy, Statement on Academic Freedom, and other policies and protocol related to teaching and learning. OSD's collaboration is currently only consultative, which effectively subordinates the needs of disabled students to the willingness of teaching staff to allow accommodations (something which is couched under "academic freedom"). OSD has little ability to mandate accommodations, even when they are consistent with the law and this policy.
- In large part due to the OSD's limited scope, the onus of enforcement of accommodations is on disabled students. Putting a lengthy and exhausting process of enforcing accommodations on a disabled student is a clear barrier to student success.
- Finally, AGSEM's EC emphasizes the importance of accessibility during this global pandemic. Survivors of COVID-19 may face ongoing accessibility needs

# Policy Concerning the Right to Accommodation for Students with Disabilities (McGill University)

## AGSEM EC's Comments:

- This is a name change (from “Students with Disabilities, Policy Concerning the Rights of”) that shifts a broader conversation about rights of disabled students, to just being about accommodation and McGill’s legal obligations.

## PART I - INTERPRETATION AND SCOPE

### Preamble

McGill University commits to an accessible and equitable learning environment for all students while meeting its legal obligations within this realm as set out by provincial and federal law. Disability-related accommodation provision at McGill is a collaborative process requiring active participation from key stakeholders. Each key stakeholder has a distinct role to play in order to achieve a reasonable and equitable educational experience for students with disabilities at McGill.

The following policy upholds the values as articulated within the McGill University Mission Statement and Principles, namely those of academic freedom, integrity, responsibility, equity, and inclusiveness. This policy pertains, in particular, to how these principles are realized with respect to the educational experience of students with disabilities.

## AGSEM EC's Comments::

- This description of building an accessible University for all understands McGill’s legal obligations as a ceiling, not a floor. This is an unfortunate way to view disability, considering that McGill’s recent EDI plan restated accessibility goals that have been in place since the 1990s (and not yet attained).
- It is concerning that after setting legal obligations as the bar, McGill invokes “academic freedom” as the first thing to be “articulated.” The University should instead be more concerned with firmly supporting the integrity of disabled people.
- In other policies (i.e. Policy Against Sexual Violence), McGill specifically names stakeholders, and articulates how they will be engaged with. This is important because it envisions the entire scope of the application of this policy. McGill should specifically mention groups here—including AGSEM, but also specifically state how disabled students will be addressed as stakeholders given the fact there is no union or group representing disabled students on campus.

## 1. Scope

- 1.1. This policy is limited to the organization of disability-related accommodation at McGill in fulfillment of the university's legal obligation.
- 1.2. This policy is limited to students with a disability seeking an accommodation within the context of courses and learning experiences directly governed by McGill University.
- 1.3. This policy does not apply in the context of paid student employment. Student employees have access to disability-related accommodations under the appropriate [Human Resources policies and procedures](#).
- 1.4. This policy is limited to accommodations requests by students on the basis of disability. This does not include established processes currently in place to address common ailments and incidental illness. Nor does it include academic considerations made in other instances of non-disability related requests (e.g., pregnancy, religious holy days, etc.).

### AGSEM EC's Comments:

- The policy's only focus on "disability-related accommodation at McGill in fulfillment of the university's legal obligation" is unsettling: McGill should prove that such a shift away from a more holistic rights-based framework is needed and justified, given no working group and the lack of consultation during the policy's creation. McGill should take a more appropriate, more proactive, more holistic approach to accessibility. Further, the University has additional moral obligations (including a duty of care) towards disabled students that go beyond law. If the University is to claim to be one that includes disabled students, the University should consider how it must support disabled students' integrity, ability to fully participate in University life, and more. A legal obligation is a floor, not a ceiling.
- Despite the existence of collective agreements, HR is ill-equipped to carry out their function when it comes to student employees. AGSEM has found repeatedly that the University discourages HR communication and collaboration with units that govern an employee's academic program or provide student services, despite the fact that these offices determine the practical working conditions of student employees. HR must employ liaisons with GPS, Student Services, Student Accounts, OSD, and the office of the Dean of Students.
- Again, there is a bureaucratic redundancy to the OSD and HR. As stated above, there had been an intention from the Office of the Provost (Equity and Academic Policies) to remove this unnecessary burden from disabled students, and streamline procedure for seeking, receiving, and enforcing disability accommodations. As employment is a feature of the student experience—especially for graduate students—this should fall under the OSD's mandate. Just as HR must be responsible for effective collaboration with curricular and student-focused units, OSD must be responsible for ensuring that

McGill's policies and procedures address this gap.

- Section 1.4 mischaracterizes and has a very narrow scope of disability. In many legal contexts, pregnancy needs disability accommodations.

## 2. Definitions

Within the context of this policy, the following definitions are adopted:

2.1 **“Appropriate Documentation”** means attestation via third-party verifiable documentation provided by a licensed professional with expertise and diagnostic capacity in the relevant domain, that supports the presence of a Disability.

2.2 **“Assessment”** is defined in the [University Student Assessment Policy](#) as any form of student activity used for evaluation in a course to which a grade is to be granted by the instructor.

2.3 **“Disability”** means:

*Any impairment, including a physical, mental, intellectual, learning, communication or sensory impairment — or a functional limitation — whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person’s full and equal participation in society (taken from Federal Bill C-81, An Act to ensure a barrier-free Canada).*

2.4 **“Student”** is defined in the [Charter of Students’ Rights](#) as

- (1) Any person registered in the University for a course, courses, or research, whether or not they are a candidate for a degree, diploma or certificate; or
- (2) Persons previously registered in the University under (1) above who are on a leave of absence.

AGSEM EC’s Comments:

- This section is a significant change from previous rights frameworks. In particular, there are concerns about “appropriate document documentation.” What sort of medical documentation will be required? Who will have access to this information? Many regulations around accommodating disabled people do not actually require this much intense medical paperwork to be submitted, so this is an area where McGill went beyond legal regulations. (For example, [AHEAD points out how little documentation legislation calls for, and suggests a student’s narrative as the most important piece of documentation.](#))
- Further, there are serious, ongoing concerns about how accessible McGill’s Health Services are, as well as broader concerns about delays in the Québec healthcare system, especially to get a GP or see a specialist. If students are facing barriers to care, is this requirement just an additional barrier to being treated equally on-campus?

What could McGill do to build a community that is more accessible, without solely placing the onus on a disabled McGill student? What could McGill do if a student cannot get a diagnosis, or clear documentation before classes start?

## **PART II - RIGHTS**

### **1. Admission**

- 1.1 As with all applicants, qualified students with disabilities are considered for admission to McGill University without discrimination. Applicants with disabilities conform to the same academic conditions of acceptance as other applicants. However, they are encouraged to submit additional information on their life circumstances so that these can be considered in the evaluation of their application.
- 1.2. Admissions policies in each Faculty and unit of McGill University are consistent with this overall admission policy.
- 1.3. The level of support services needed by the applicant with a disability is not a factor in the admission decision.

#### **AGSEM EC's Comments:**

- It would be good to see additional details as to how this is enforced, especially in terms of admission and retention. These concerns are especially the case, given that the percentage of disabled professors at McGill is significantly less than the general population, which leads to questions about institutional ableism and inaccessibility.

### **2. Financial Aid**

- 2.1 Students with disabilities who are studying on a reduced course load because of their disability are entitled to be considered for loans, bursaries, and work-study opportunities, as evaluated by the Scholarship and Student Aid Office.
- 2.2. Students with disabilities who carry a reduced course load because of a disability are eligible to be considered for scholarships and fellowships available to full-time students, on the basis of equivalent academic standing. The Office for Students with Disabilities will collaborate with the relevant offices to ensure that all potentially eligible students will be identified for consideration.

#### **AGSEM EC's Comments:**

- It would be good for McGill to work towards additional funding for disabled students. Disabled students face financial needs that are higher than average students', and

additional time to completion does mean additional time as a student.

- In addition, the creation of advisors that support disabled students in finding financial aid—both within McGill and outside—would be a helpful step.

### 3. Support Services and Modifications

- 3.1. Students with disabilities have the right to a determination of reasonable and available support services by the Office for Students with Disabilities to ensure equal access to their learning environment, therefore ensuring they have the opportunity to successfully fulfill their academic requirements.
- 3.2. Students with disabilities who are enrolled in the Centre for Continuing Education have rights to these support services on the same basis of eligibility as to all other student services.
- 3.3. Necessary measures will be taken to ensure that students with disabilities are permitted to use appropriate accommodations in their academic life. Accommodations are coordinated by the Office for Students with Disabilities in consultation with the student and the academic unit, as laid out in Part III – Responsibilities, below.
- 3.4. Students with disabilities have the right to a review of environmental barriers in the academic setting and the determination of a method to reduce any identified barriers.

#### AGSEM EC's Comments:

- Graduate students can face barriers to their studies that might not be well-addressed by the OSD. For example, graduate students who are writing a thesis and not taking classes might face issues coming up with clear, continuous, ongoing accommodations. It would be good for the OSD and McGill to be more proactive, to work at creating a campus environment that has less overall accessibility issues, and fewer invisible barriers to success.
- Given the ongoing barriers to graduate study, the University should commit to a review with the possibility of amendment within the next academic year, and additionally form a subcommittee composed of representatives from GPS, OSD, PGSS, AGSEM, and other relevant stakeholders to develop policies and administrative changes focused on the needs of disabled graduate students.
- This policy does not address postdoctoral fellows. Some postdocs are employees, some are not: here, McGill should make clarifications similar to those in the Policy Against Sexual Violence, and state that postdocs who are not considered employees are considered students for the purpose of the policy.

#### 4. Barrier-free Environment

- 4.1. There are ongoing efforts to remove architectural barriers that limit students with disabilities from full participation in University life; the McGill [Accessibility on campus standards](#) are applied to all renovation and new construction at McGill.
- 4.2. There are ongoing educational efforts to mitigate against attitudinal and pedagogical barriers that limit students with disabilities from full participation in University life. These efforts are a collaboration between relevant University departments including the Office for Students with Disabilities, the Office of the Provost (in particular the equity education team), and Teaching and Learning Services.
- 4.3. Policy concerning the availability of parking for students with disabilities is coordinated by Parking Services, in collaboration with the Office for Students with Disabilities.
- 4.4. Adapted transportation on campus is provided for students with disabilities where appropriate. This is coordinated by Security Services, in collaboration with the Office for Students with Disabilities.

#### AGSEM EC's Comments:

- McGill has continued issues with being physically accessible, including in new buildings. For example, door-opening buttons can break and take months to be repaired, and garbage cans are sometimes stored in front of the Brown Building's accessible Docteur Penfield entrance.
- AGSEM, along with other members of the McGill Communities Council, initiated a task force regarding campus accessibility and improving campus spaces for all. Provost Beauchamp's attempts to turn this group into a forum for feedback which met rarely sidelined this effort. This task force should be invited back with a robust mandate.
- McGill should take accessibility standards as a minimum, and be more proactive when it comes to physical accessibility on campus. In addition, McGill should consider prioritizing snow clearing handicapped-accessible entrances and sidewalks in the winter.
- McGill should have free parking for disabled students. Additional fees that students have to pay to get to campus is a barrier to full University participation.
- 4.2 is worded poorly for a policy document: it should state that "There shall be" or "There will be," not "There are."

#### 5. Participation in Policy

5.1 Students with disabilities are actively consulted in relation to policies concerning their needs and experiences as a student at McGill.

**AGSEM EC's Comments:**

This statement is the same as the previous version, but does not include specifics for how disabled students are consulted. Were disabled students involved in the creation of this policy? Do disabled students simply have the same rights as other students in this policy consultation, or will disabled students be actively engaged with, from start to finish?

### **PART III - RESPONSIBILITIES**

#### **1. The Responsibilities of the Office for Students with Disabilities (OSD)**

The OSD acts as a central point for disability-related expertise and holds principal responsibility for disability-related student accommodation on behalf of the University. In order to serve this role, the OSD must fulfill the following responsibilities. The OSD is expected to:

- 1.1. Make their services widely known to all current and potential members of the McGill community;
- 1.2. Respond in a timely fashion to student requests for reasonable accommodation;
- 1.3. Engage in good faith with the assessment and determination of relevant disability-related needs;
- 1.4. In appropriate instances, respond to disability-related student requests by the creation of a reasonable and individualized accommodation plan;
- 1.5. Collaborate with the appropriate parties (e.g., relevant faculty members, campus partners, etc.) to ensure the successful implementation of an approved accommodation plan.

**AGSEM EC's Comments:**

- The OSD must be more proactive when it comes to working with students, and publicizing available services. Many students on campus are unaware of what accommodations might be offered. This outreach should also involve working with teaching staff across the University's campuses.
- Many accommodation plans are broad, given the significant invisible barriers that come with long-term studies at the graduate level. McGill must focus on campus-wide efforts, that engage with different faculties and departments, and the unique barriers to academic success found therein.

- [Students report delays in OSD meetings](#), or [other struggles \(including a recent Human Rights Commission complaint\)](#) as the result of chronic understaffing. McGill should prioritize funding for this important campus office, instead of decreasing funding or [not addressing the issues that come with the unit's funding](#).
- AGSEM has consulted with the Office of the Associate Provost (Equity and Academic Policies) during the most recent TA negotiations. This Office expressed a long-standing intention to close the “gap” between student accommodations and student-employee accommodations: in short, to eliminate the bureaucratic redundancy that comes with having to seek accommodations (with similar paperwork) through two different bureaucratic systems. However, nothing in this policy revision reflects this intention.
- It is unclear here if one of the mandates of the OSD is to fulfill McGill’s legal obligations to provide accommodations for disabled students.

## 2. The Responsibilities of Students

Students seeking Disability-related accommodations have the following responsibilities with regards to the process. Students are expected to:

2.1 Make timely and formal requests for any Disability-related accommodations, as well as for adjustments to existing accommodation plans;

2.2. Provide recent, relevant and Appropriate Documentation to support their request for accommodation;

2.3 Engage actively and in good faith in the process with the shared goal of establishing a reasonable accommodation plan;

2.4 Undertake a reasonable degree of self-advocacy (e.g., inform the Office of Students with Disabilities of any relevant changes in personal circumstance, discuss directly course-based accommodations with course instructors, etc.).

### AGSEM EC’s Comments:

- Again, we are concerned about documentation that must be provided, as well as the pressure that is being placed on individual students, versus the responsibility of the University.
- If students are to advocate for themselves, they must be informed what they ought to be doing by the University. Additional OSD staff, more contact between students and OSD staff, and clearer accommodation plans would help create accommodation plans that are more equitable. Students might not know what is relevant and what is not, and more contact would help clarify confusion.

- Students should not need to disclose medical conditions to teaching staff in order to receive accommodations. The OSD here should act as a go-between, supporting a student's ask for accommodations in a particular course. However, it must be very clear to the OSD, teaching staff, and students what should be disclosed, and to whom.

### 3. The Responsibilities of Faculty

Members of Faculty and teaching staff are essential partners in the accommodation process. Their unique roles include the following:

Professors, Course Instructors, Faculty Lecturers or Delegates whom are responsible for courses are expected to:

- 3.1. Refer any student informally seeking Disability-related accommodation to the Office for Students with Disabilities;
- 3.2. Collaborate actively and in good faith in the provision of Disability-related accommodations;
- 3.3. Participate as needed in the timely implementation of established, reasonable accommodations;
- 3.4. Collaborate as needed with other Faculty members in establishing and communicating to OSD course and program core competencies.

Academic Administrators (e.g., Deans, Associate Deans, Program Heads, and Department Chairs) are expected to:

- 3.5. Collaborate actively and in good faith in the provision of Disability-related accommodations by ensuring that members of their faculty and related teaching staff be made aware of the provisions for student accommodation under the mandate of this policy.
- 3.6. Consult and collaborate with the Office for Students with Disabilities in instances of conflicting interpretations of reasonable accommodations in a course under their authority.
- 3.7. Collaborate in complex accommodation planning by serving as discipline and context-specific subject matter experts within the scope of their authority.

#### AGSEM EC's Comments:

- TAs do a significant amount of in-person and online communication with students; in addition, TAs are often approached about questions related to disability access. TAs

should be named and included in this section, especially in terms of referring students to the OSD and collaborating on enacting accessibility plans.

- The responsibilities of teaching staff in this section remain unclear, and there is still a significant amount of pressure on a disabled student to self-advocate. Especially in terms of 3.2-3.3, the wording should be changed to “required to” (instead of “expected to”), to make sure expectations are clear on professors’ obligations.
- The OSD should provide ongoing information, support, and training for teaching staff. This would go far to inform members of academic staff about their own obligations, and better ways to have a barrier-free classroom.
- A mandatory syllabus statement would go far to make sure that students and teaching staff are on the same page about how to disclose and manage accessibility barriers in the classroom.

#### **PART IV - FRAMEWORK OF DISABILITY-RELATED STUDENT ACCOMMODATIONS**

1. Disability-related student accommodations are meant to reduce unnecessary disability-related barriers to a student’s full participation in the university experience. They do not ensure academic success, nor do they mitigate all potential discomforts a student may typically experience through the course of their academic journey.

AGSEM EC’s Comments:

- This sentence reads as legalese and is frustrating for disabled students to read. Instead of framing things in terms of how meeting a student’s access needs will “not ensure academic success,” it would be good to have a more proactive approach from the University towards a healthier, more accessible McGill.
- There should not be a disclaimer at all in this policy: this type of language does not appear in other McGill policies.

2. In accordance with the law, the University has an obligation to a) provide reasonable accommodation b) to students presenting with Disability-related barriers c) who request accommodation and provide Appropriate Documentation, d) but is only required to provide such a reasonable accommodation to the point of undue hardship.

AGSEM EC’s Comments:

- It should be made clear here that “undue hardship” is on the University, not an

individual member (i.e. TA, course lecturer, professor, dean) of McGill.

- Again, McGill leans on its legal obligations. McGill should take a more positive—both in terms of law and disposition—approach. What kind of more accessible University can McGill imagine? What will McGill do to go beyond the minimum—what would be illegal—to support disabled students?

3. The determination of what a reasonable accommodation up to the point of undue hardship is made on a case-by-case basis, considering institutional constraints, as well as the primacy of the duty to uphold academic integrity at the University.

AGSEM EC's Comments:

- The use of “academic integrity” here is vague, and feels like a loophole. What about the integrity—academic or otherwise—of disabled students? How does a disability accommodation compromise the “academic integrity” of McGill? Further, if accessibility to disabled students is a component of academic integrity, this must be included with other standards for research and pedagogy which are upheld as the primary duty of the responsibility.
- In descriptions on what an “undue hardship” constitutes, [issues of substantial cost or health and safety risks are frequently raised](#), including by . Academic integrity is a significant departure from this framework, and again puts disabled students' accommodations as both in conflict with and subservient to ideas of academic integrity.
- Again, it must be clear here that this burden is at an institutional level, not an individual.

4. In the context of the University and this policy, reasonable accommodations may include but are not limited to modifications related to the student's classroom experience, assessment or evaluation experience, and experience of the physical environment wherein objective disability-related barriers have been identified.

AGSEM EC's Comments:

- While perhaps not appropriate here in the policy text, it would be good for examples of accommodations to be publicized by the OSD. This would be helpful, especially for students who are first-generation, new to Canada, or are just unfamiliar with possible accommodations in higher education.

5. Undue hardship may include but is not limited to accommodations that are likely to result in any of the following: a) Impingement upon the core competencies of a course or program of study; b) Significant risks to the health and safety of the student or others; C) Substantial costs that put the University as a whole at risk.

AGSEM EC's Comments:

- Disability accommodations framed as something that might upset the “core competencies of a course or program of study” is ableist. Accommodating disabled students is not in conflict with academic excellence, and framing it as such is disingenuous, playing into negative stereotypes about disabled students.
- McGill should consider the undue hardship on students and staff who are being pressured to return to campus during a global pandemic. Survivors of COVID-19 may have lifelong conditions, which might exacerbate additional. Further, McGill should consider taking on additional guidelines than government regulations, and should consider how mask wearing is mandatory.
- Clarity is needed as to how the University determines costs and risk around accommodating disabled students. This must be communicated to individual students, as this is personal information, and students should have a clearly demarcated right of review outside of a student grievance.

6. Core competencies are those elements of a course or program of study that are deemed to have been established in good faith, that are rationally connected to the subject matter being taught and assessed, and that are necessary to demonstrate mastery of course or program content.

AGSEM EC's Comments:

- Again, there must be a clearly-defined right of review for disabled students if they believe that the University is using a particular core competency change as an undue hardship to McGill.

## **PART V – DECISION REVIEW PROCESS**

1. Initial decisions regarding accommodations are made by the Office for Students with Disabilities, with student consultation, to determine:

- a) The presence and nature of objective Disability-related barriers;
- b) The relationship of these barriers to the student's disability(ies), as supported

through Appropriate Documentation;

c) Considerations of academic requirements and of the framework described in Part IV.

AGSEM EC's Comments:

- It would be helpful if there was additional guidance or proactive information about what kinds of barriers and accommodations that the OSD considers. Again, a Working Group or ongoing consultation with the Senate Subcommittee on Persons with Disabilities would be helpful.

2. Complex accommodation planning is a collaborative process involving the student, OSD, and the appropriate Faculty Representative(s), who are consulted as discipline and context-specific subject matter experts in the determination of reasonable accommodations.

AGSEM EC's Comments:

- It should be clear what personal information about a student needs to be disclosed (and what does not) to teaching staff. There should also be considerations about academic authority between students and staff, especially between students and their supervisors: students may feel deeply uncomfortable disclosing personal information to those in positions of academic authority, and the OSD should make it clear what is required to be disclosed and what may be kept private.
- Including disciplinarians in a discussion about a complex accommodation plan is inappropriate. Disabled students deserve clear accommodations, not

3. In instances where a student is in disagreement regarding an accommodation decision, they may request a review of this decision be conducted by the Associate Director and/or Director of the Office for Students with Disabilities. If unsatisfied with the review outcome, students may seek support through the Ombudsperson or the Dean of Students. As a final resort, the student can challenge the decision via the [Code of Student Grievance Procedures](#).

AGSEM EC's Comments:

- It is unclear if this has to do with any and all decisions about accommodations (i.e. including those by teaching staff), or just those decisions specially made by those by the OSD.
- Again, this implies that the OSD is making recommendations, not decisions. If this is

the case, the language in this policy document should be changed.

## **PART VI - AUTHORITY TO APPROVE PROCEDURES**

The development and review of procedures and other elements of the application of this Policy will be the responsibility of the Office of Students with Disabilities, in consultation with members of senior administration and other constituents, including students, as appropriate.

### **AGSEM EC's Comments:**

- Given concerns about how this policy was drafted—namely, the lack of inclusion of any disabled people at all, let alone disabled students—specific groups and methods for engaging with students must be named.
- This approach, given the nature of ableism at McGill, must be ongoing and proactive. In addition, students who provide their expertise on this review should be financially compensated.

## **PART VI - POLICY REVIEW**

The Policy shall be reviewed by the Deputy Provost every five years, with amendments to be reviewed by Senate.

### **AGSEM EC's Comments:**

- More details should be given about how revision and consultation will be done. A Working Group or Implementation Committee about this might be helpful here.