



POLICY WITH RESPECT TO STUDENTS WITH DISABILITIES

POLICY NUMBER:	2017-09-001
TITLE OF THE POLICY:	Students with Disabilities
DATE OF ADOPTION:	7 March 2017
ADMINISTRATIVE COUNCIL RESOLUTION NUMBER:	
SUPERSEDE:	
DATE OF IMPLEMENTATION:	Fall 2017
PROJECTED DATE OF REVISION:	Spring 2019
PURPOSE OF THE POLICY:	This policy seeks to protect the right of students with disabilities to receive an education at the University of The Bahamas and to provide a roadmap for the required accommodations which should be made by the University in its efforts to fulfill the policy's mandate
REVISION NUMBER:	
ACCOUNTABILITY:	Office of Student Affairs
RELATED POLICY/POLICIES:	
APPENDICES:	Appendix I - United Nations, Convention on the Rights of Persons with Disabilities, Volume 2515, I-44910 Appendix II - Persons with Disabilities (Equal Opportunities) Act, 2014 Appendix III - Data Protection (Privacy of Personal Information) Act, 2003

1.0 Preamble

The Bahamas became a signatory to the United Nations (UN) Convention on the Rights of Persons with Disabilities in September 2014. The Convention was established “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity” (Appendix I, Article 1, pg 72). According to Article 24 on Education, “States Parties will ensure an inclusive education system at all levels and lifelong learning directed to ensure that persons with

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disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others” (Appendix I, pg 84).

In keeping with the United Nations Convention, The Bahamas developed its National Disability Rights Policy through the enactment of the Persons with Disabilities (Equal Opportunities) Act, 2014. Section 31 of the Act states that the Minister of Education is to ensure that special requirements of persons with disabilities are addressed when formulating and implementing educational policies and programmes. In addition, the Minister shall ensure that learning institutions take into account the special needs of persons with disabilities with respect to entry requirements, curriculum, examinations, auxiliary aids, and services. This responsibility extends to the Minister ensuring appropriate measures are taken to facilitate the implementation of the special education programmes in the Family Islands.

In response to The Bahamas’ Persons with Disabilities (Equal Opportunities) Act 2014, and the UN Convention on the Rights of Persons with Disabilities, the University of The Bahamas is embarking on a plan to restructure and provide the necessary amenities to enable students with disabilities to pursue and complete a university education. This plan will include retrofitting current facilities to ensure that all new structures comply with international standards of accessibility.

2.0 Scope

No student with a disability should be excluded from legitimate academic requirements, courses, programmes or activities, nor may the University impose restrictions and rules barring the participation of students with disabilities.

The University will provide equal access to qualified students with disabilities, prevent discrimination against them and, where necessary, provide reasonable accommodation. In all academic courses of study, assessments must be measured on the basis of the student’s academic achievement and not his or her impairment.

Reasonable accommodation as defined by the Persons with Disabilities (Equal Opportunities) Act 2014, means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden where needed in a particular case, to ensure persons with disabilities the enjoyment, or exercise on an equal basis with others, of all human rights and fundamental freedoms. Further, reasonable accommodation includes but is not limited to modified testing procedures, extended time on examination, special academic aids, assistive technology and support in the classrooms and laboratories, note takers, and early and specialized advisement.

3.0 Definition - Persons with Disabilities

“Persons with a long-term disability including physical, mental, intellectual, developmental or sensory impairments and other health related issues, which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others” (Appendix II, pg 4).

4.0 Support for Students with Disabilities

The University is committed to the protection of rights for all students. It will make efforts to ensure that all students with disabilities can participate in all aspects of university life on equal terms with other students. The University will therefore provide a Disabilities Services Unit in the Student Affairs Office with qualified personnel to coordinate all activities related to students with disabilities.

5.0 Eligibility

5.1 To be eligible for accommodations for disability, a student must:

5.1.1 Have an identified disability as noted at 3.0.

5.1.2 Submit a written request for accommodations in a timely manner to the Student Affairs Disabilities Unit.

5.1.3 Submit appropriate and adequate documentation of disability.

6.0 Procedure for Requesting & Using Accommodations:

6.1 Students requesting accommodations for disability must submit a written request form available from the Student Affairs Disabilities Unit.

6.2 All requests for accommodations, both academic and non-academic, should be submitted on this form to the Student Affairs Disabilities Unit.

6.3 Students should submit their requests (including the request form and documentation of disability) by the first Friday in February (Fall admits) and the last Friday in September (Spring admits) to allow adequate time for review of the request, development of appropriate plans, and implementation of arrangements in time for the semester/session of study.

6.4 If the request involves non-academic accommodations, the Disabilities Compliance Officer (DCO) will notify the appropriate contact person for the student's academic programme and may provide him/her a copy of the request after a review of the student's documentation of disability has been determined that the student is eligible for accommodations.

6.5 If the request involves academic accommodations for a student the DCO will notify the Dean in the academic unit in which the student's programme is housed and will provide him/her a copy of the request form after a review of the student's documentation of disability has determined that the student is eligible for accommodations.

7.0 Documentation Requirements

7.1 Documentation of disability must accompany the request form. A decision about requests cannot be made until adequate documentation is received.

7.2 Documentation must come from a professional qualified to evaluate disabilities in the areas related to the student's request, must be sufficiently thorough and recent to establish whether the condition qualifies as a disability, must indicate the extent and severity of the student's

impairment, and must address the nature and projected time frame for any accommodations needed at the present time.

- 7.3** Vague and/or short statements of diagnosis (e.g., by a physician for ADHD) are not sufficient. Information provided by the student, parent, or others might be helpful supplementary information, but it does not constitute documentation of disability.
- 7.4** Documentation must be on the professional's official letterhead with date and signature.
- 7.5** Documentation must be recent enough to establish that the condition is still present and to reflect current impairment and needs. This would typically be no longer than 3 years old for learning disabilities and ADHD, more recent for changeable psychiatric or medical conditions (e.g., migraine headaches), longer for permanent disabilities (e.g., blindness).
- 7.6** Documentation of conditions submitted as part of request for disability accommodations must include the following elements:
- 7.6.1** Current diagnosis. A clear statement of diagnosis must be included. A clinical diagnosis in itself is not evidence of disability, however.
 - 7.6.2** How diagnosis was determined (e.g., this would typically be a psychoeducational testing battery for learning disabilities and ADHD, neuropsychological evaluation for head injury, medical or psychiatric evaluation for other medical or psychiatric conditions).
 - 7.6.3** History of illness/condition (including how/when condition was first diagnosed and by whom, course of illness/condition over time).
 - 7.6.4** Current symptoms (including specific nature of symptoms, frequency, severity).
 - 7.6.5** Extent of functional impairment caused by symptoms/condition (specifically related to life realms for which patient is requesting accommodations, if possible to determine).
 - 7.6.6** Need for accommodations at the present time (include specific recommendations if possible).
 - 7.6.7** Projected time period for which accommodations might be needed.

NB: It is the student's responsibility to obtain and furnish the appropriate documentation.

8.0 Determination of Eligibility and Follow-up

- 8.1** In making the determination of eligibility, the DCO will consult the documentation, the student, and relevant university officials (e.g., Dean, faculty etc.).
- 8.2** Essential components of courses or programmes will not be changed or eliminated, but modifications in the way the student can meet these essential requirements will be made when possible.

- 8.3** The Disabilities Compliance Officer will consult with faculty, staff, and outside professionals when needed to determine essential elements and reasonable accommodations. Examples of essential components that will not be modified include, but are not limited to: requiring that the student make oral presentations in a public speaking class, competence in dance skills in a dance class, competence in playing a musical instrument for a music performance class, class attendance in a group dynamics class.
- 8.4** In implementing the accommodations approved by the university, the DCO will provide written notification of the accommodations to the appropriate faculty member, administrator, or staff member. In addition, the student will be responsible to meet with all involved parties to discuss his/her needs for accommodations and clarify how these will be implemented.
- 8.5** Students who have been granted academic accommodations for a particular semester/session must update their request with the Student Affairs Disabilities Office prior to each successive semester/session. This will not be done automatically. This typically involves providing a list of their current classes and reviewing with the DCO whether the accommodations requested previously are still appropriate. An in-person meeting may be required by the DCO or requested by the student.
- 8.6** Students who have been granted non-academic accommodations may be required to update their request every semester/session if the nature of their condition or need is likely to change. The DCO will advise the student of whether this will be needed at the time the initial request (or update) is approved.
- 8.7** Students whose needs for accommodations change after the initial requests for accommodations have been implemented should submit additional information. For new or different accommodations for the same disability (already verified with documentation), they should submit an Updated Request for Accommodations form. For a new/additional disability, they should submit another copy of the initial Request for Accommodations for Disabilities with supportive documentation. In this latter case, the review process outlined above will recommence.
- 8.8** Students are responsible to inform the Disabilities Unit promptly if they encounter problems with the implementation of their accommodations (e.g., if a student approved for extended testing time reports the professor would not permit him to take the test with extra time). The DCO cannot adjust grades or course requirements “after the fact” in a case where a student reports he/she suffered academically because he/she did not receive an accommodation that was approved and did not report the problem to the Disabilities Unit in a timely manner that allowed correction of the problem.
- 8.9** Accommodations cannot be approved retroactively. For example, a student who reports a learning disability after taking an exam, and has not previously requested and been approved for accommodations, would not be entitled to re-take the exam with special accommodations. Similarly, a student cannot be excused for absences due to a disabling medical condition reported after the fact. Students are urged to make their requests as early as possible to allow time for review of the request and planning.

9.0 Disclosure of Disability

Disclosure of a disability is voluntary. Students are not required to disclose or request accommodations for a disability. They are not eligible for any protection under the law if they fail to disclose disability and request accommodations, however.

10.0 Confidentiality

Disability-related material at the University of The Bahamas is considered as covered by the Data Protection Act. Disability information will not be disclosed or released except as needed to University agents with a legitimate educational interest, and/or as otherwise required or permitted by law, and/or as otherwise requested by the student.

11.0 Responsibility

11.1 The University

The University's responsibility is to:

- 11.1.1** Comply with the Persons with Disabilities (Equal Opportunities) Act 2014 and The Education Act.
- 11.1.2** Provide reasonable accommodation to students where the accommodation can be implemented without compromising the academic quality assurance of the curriculum/programme.
- 11.1.3** Educate the University community about this policy, the services and programmes for persons with disabilities.
- 11.1.4** Receive and maintain confidential records for all persons with disabilities.
- 11.1.5** Evaluate the information provided by a qualified practitioner to determine eligibility, access and accommodation for students with disabilities.
- 11.1.6** Provide access and reasonable accommodation to students with disabilities.
- 11.1.7** Ensure that the academic integrity of its programmes is not compromised in making reasonable accommodation and access to students with disabilities.
- 11.1.8** Work closely with internal and external stakeholders to maintain compliance with legislation.
- 11.1.9** Ensure ongoing revision of policies to meet the needs of the growing population of persons with disabilities.
- 11.1.10** Follow the University's usual grievance procedures found in the Code of Conduct Policy in the interactive Student Handbook.

11.2 Students

The student's responsibility is to:

- 11.2.1** Register with the Student Affairs Disabilities Unit for on-campus services.
- 11.2.2** Submit documented evidence (by a qualified practitioner) of the type of disability (physical, mental, etc.) before requesting services and accommodation.
- 11.2.3** Report any issues or concerns regarding discrimination to the Disabilities Unit.
- 11.2.4** Pay all costs associated with procuring the required verification of his/her disability.
- 11.2.5** Request accommodation, services, aides, etc. and confirm these arrangements in a timely manner with the Disabilities Unit.
- 11.2.6** Register with the relevant agency or agencies, and obtain the appropriate identification cards for public travel, parking and other services, if needed.
- 11.2.7** Act responsibly and adhere to all University policies. Any party found to be acting in a discriminatory or malicious manner will be subject to discipline.

12.0 Admissions

- 12.1** No applicant with a disability who qualifies for matriculation into the University should be denied admission.
- 12.2** When matriculated into the University, the student reserves the right to apply for and access disability services, if needed. However if such services are required, verification by a qualified practitioner of said disability is required by the University. If a student acquires a disability during the course of his /her studies, the same principle should apply. Every effort will be made to assist the student to complete his/her course of study.

13.0 Career Development

Many graduates with disabilities have difficulties in obtaining jobs despite having appropriate qualifications. This is sometimes due to a lack of education among employers and organizations. The University will seek to educate the private and public sectors on the employability of persons with disabilities through workshops and networking events.

14.0 Disability Awareness

The University will act to increase awareness of factors impacting persons with disabilities among students and staff through the use of seminars and workshops. Efforts will also be made to orient, conscientise, and train the University's employees on this policy and on best practices for responding to the needs of persons with disabilities.