

Medical Documentation Guidelines and Accommodation

Recent communication from the Ontario Human Rights Commission to all universities and colleges regarding mental health disabilities

Ontario Human Rights Commission sends letter to all university and college presidents

March 15, 2016

OHRC sends letter in response to Human Rights Tribunal case recently submitted by York University student – asks each university to put in place six (6) guidelines/standards by September 6 2016

April 30, 2016

COU responded on behalf of the sector; signaled commitment to 6 guidelines but need to consider local timelines, policy processes

September 6, 2016

Current deadline for implementing 6 guidelines; we are working toward this (with input from OCSA, COU, Legal, etc.)

York Case

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News / GTA

York University student wins mental-health fight

University won't require diagnosis before accommodating disabilities, after two-year fight involving the Ontario Human Rights Commission. Students says her peers 'across Canada' should not have to disclose their diagnoses.

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OHRC has asked that we have medical documentation guidelines, forms and procedures in place that...

1. Do not require students to disclose their mental health disability diagnosis to register with Academic Accommodation Support (AAS), or to receive accommodations or supports;
2. Make it clear that students may request interim accommodations for mental health disabilities pending receipt of medical documentation;
3. Make it clear that both temporary and permanent mental health disabilities will be accommodated;
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;
5. Do not require students to reveal their private medical information to, or seek accommodation directly from their professors, instructors, teaching assistants, etc.; and
6. Are clearly communicated to all students, faculty and staff.

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1. Do not require students to disclose their mental health disability diagnosis to register with AAS, or to receive accommodations or supports;

- Allows us to request documentation about functional limitations and required accommodations but not diagnosis
- We have been in compliance with this since 2014
- Diagnosis disclosure is still required to access some government financial aid

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

- Currently in place for other disabilities awaiting completed assessment
- Need to make this explicit for mental health disabilities
- Will provide interim accommodations pending assessment i.e. expectation that assessment will be scheduled and pending

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

- The university and AAS already provides accommodation for temporary mental health disabilities (e.g. eating disorders, depressive episodes, etc.)

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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;

- Our current practice – if AAS can help i.e. missed deadline for accommodated test, they will; otherwise student is responsible for communicating with instructor
- Challenges related to timeframe and term instructors
- Data collection, legal opinion, policy review, development of processes

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

- Currently use an online system that would be compliant
- Questions regarding engagement with faculty on activating some accommodations and details of what is required
- Workload issues in AAS
- Impact on students' self-advocacy skills development

OHRC has asked that we have medical documentation guidelines, forms and procedures in place that...

6. Are clearly communicated to all students, faculty and staff.

- Need to review all AAS communications to students and instructors
- Development of a campus-wide communications, awareness and training strategy

Additional suggestions in the letter that we may consider as an institution...

- Create a more sophisticated process for dealing with accommodations appeals
- Establishment of accommodations advisory committee with reps from each faculty
- Team approach to strategizing on complex cases
- Student satisfaction surveys for students registered with AAS

Impact and considerations for faculty

- Do not ask a student to disclose a mental health diagnosis in order to receive accommodation – focus is on the functional limitation(s) of the disability
- Ensure that all course outlines and program handbooks do not imply requests for accommodation after a published deadline will not be considered
- If clarification on an accommodation is needed, first point of contact is the student's AAS liaison officer
- In some cases the arrangements for accommodation may be made directly by the staff in AAS on behalf of the student

Next Steps

- Incorporate these standards into review of academic policies already in progress
- Review of Policy 159 in light of these expectations
- Academic Accommodation Support reviewing all their local policies and communications in lights of these standards
- Communications to students, faculty and staff

Some final thoughts...