POLICY BRIEF

Beyond Accommodations:
Accessible University Education for Disabled Students in British Columbia

RACHEL CHEANG

The LEVEL Youth Policy Program takes place on the traditional and unceded territories of the xʷməθkʷəy̓əm (Musqueam), Sḵwx̱wú7mesh (Squamish) & səl̓ilwətaʔɬ (Tsleil-Waututh) Coast Salish peoples.
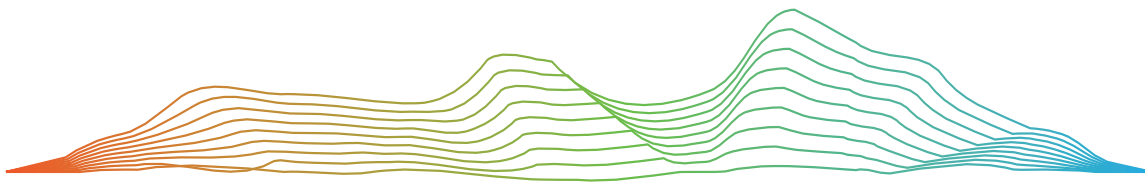
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About the LEVEL Initiative

LEVEL is a youth engagement initiative of Vancouver Foundation that aims to address racial inequity. We do this by investing in the leadership capacity of Indigenous, racialized, immigrant, and refugee youth to create more opportunities throughout the non-profit and charitable sector.

Despite being the fastest-growing youth populations in British Columbia, Indigenous, immigrant, and refugee youth don't have the same opportunities as other young people. Race continues to be a factor that hinders their ability to have a say in decisions that impact their lives.

LEVEL empowers these youth by building their capacity to challenge and change those systems that hinder their ability to build a more just world.

LEVEL consists of three pillars of work to advance racial equity

1. LEVEL Youth Policy Program
2. LEVEL Youth Organizing
3. LEVEL Youth Granting

About the LEVEL Youth Policy Program (LEVEL YPP)

The LEVEL Youth Policy Program (LEVEL YPP) brings together young people between the ages of 19 and 29 from across British Columbia who identify as being Indigenous or racialized immigrants or refugees. Indigenous and racialized Newcomer youth are dispropor-

tionately impacted by certain public policies but are rarely included in the development and implementation of public policy process. The LEVEL YPP aims to provide these youth with equitable training and leadership opportunities to better navigate the public policy landscape, and to develop new tools and skills to influence, shape, and advocate for policy changes that are relevant in their own communities. Having young people directly involved in shaping policies that impact their lives is essential to creating systemic, meaningful change. The LEVEL YPP's training is grounded from and within Indigenous peoples' worldviews, which the program acknowledges, could vary from person-to-person or nation-to-nation. Indigenous worldviews place a large emphasis on connections to the land. This perspective views the land as sacred; where everything and everyone is related and connected; where the quality of the relationships formed are key in life; where what matters is the success and well-being of the community, and where there can be many truths as they are based on individual lived experiences.[1] As such, an important premise of this training is to centre and place a particular focus on the fact that the work that has gone into developing this training, as well as the training itself, has taken and will take place on unceded (never given away/stolen) territories of the hən̓q̓əmin̓əm̓-speaking Musqueam peoples, of the Halkomelem-speaking Tsleil-Waututh peoples, and of the sníchimspeaking Sḵwx̱wú7mesh (Squamish) peoples.

1. https://www.ictinc.ca/blog/indigenous-peoples-worldviews-vs-western-worldviews

Biography

Rachel Cheang

Born and raised in Singapore, Rachel is a fourth-year undergraduate student at the University of British Columbia (UBC) pursuing an Honors in Human Geography. As a settler and uninvited guest on stolen Sḵwx̱wú7mesh (Squamish), Səl̓ílwətaʔ/Selilwitulh (Tsleil-Waututh) and xʷməθkʷəy̓əm (Musqueam) Nation, homelands, she organizes for climate and disability justice and believes in using design and art as activism to foster community. Her work includes campaigning for divestment, and organizing solidarity efforts with Indigenous communities with UBCC350 and facilitating workshops with Check Your Head. Rachel believes in the power of youth in driving creative solutions and re-imagining alternative futures through a lens of justice and equity, and seeks to explore deinstitutionalized community care within justice movements.

Acknowledgements

Executive Summary

British Columbia (BC) is the largest province in Canada without any form of accessibility legislation to help identify, remove, and prevent barriers experienced by disabled people.[2]

Despite significant developments in human-rights legislation for disabled people in recent years, there is currently no legislation on a provincial or municipal level to protect them from discrimination. As the BC government is in the process of developing provincial accessibility legislation, it is timely that this policy brief recommends that any protections for disabled students in all universities in BC under the BC Ministry of Advanced Education, Skills, and Training should and must be included in the design of the legislation.

A university education is often regarded as the crucial link between secondary education and success as an adult. Our increasingly competitive and precarious labour market also highlights the pressing need for access to a university education as a predictor of gainful employment and career development in meaningful occupations. This is especially true for disabled people whose range of employment is often limited to jobs that require fewer physical demands and more accommodations. Post-secondary education is therefore seen as essential to the social and economic standing and development of disabled students. However, the exclusion and lack of support for students with disabilities remains a significant issue in universities, and this is often compounded for Black, Indigenous, and People of Colour (BIPOC), who also experience other forms of marginalization and exclusion.

Accessibility policies and legislation are fundamental to bringing about a cultural shift toward greater inclusion in higher education, and this requires going beyond academic accommodations. This policy brief aims to lobby the BC Ministry of Social Development and Poverty Reduction, the BC Ministry of Advanced Education, Skills, and Training, as well as university administrations (senates and governing boards) in BC, for the incorporation of six main recommendations in the BC provincial accessibility legislation:

1. Mandate the collection and intersectional analysis of disability-based data;
2. Mandate disability and accessibility competency training and accessible teaching and learning approaches for all deans, department chairs, faculty, and staff members;
3. Revise accommodation policies to eliminate the need for medical documentation and include transparent conflict-resolution processes;
4. Reallocate funding to expand disability and mental-health services on campus;
5. Establish a Disability Advisory Committee to support Equity, Diversity, and Inclusion (EDI) strategic or action plans;
6. Mandate accessible building codes.

Universities have a long way to go in reducing the gap in social inclusion of disabled students, and to adjust academic standards to meet their needs. It is clear that without these recommendations compelled by law, university administrations will be unlikely to implement them. This policy brief also comes at a critical time as

2. Inclusion BC. (2019). New Accessibility Legislation promised for BC. Inclusion BC. Retrieved from https://inclusionbc. org/new-accessibility-legislation-for-bc/
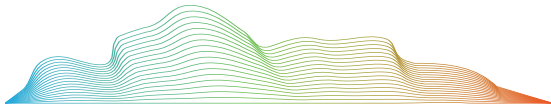
In order for universities to be truly inclusive, we must centre the voices and lived experiences of disabled students, especially disabled Queer and Trans, Black, Indigenous, and People of Colour (QTBIPOC) students.

universities formulate and advance COVID-19 recovery plans and deepen calls for stronger EDI mandates and policies in recovery efforts to ensure that no students are left behind.

In order for universities to be truly inclusive, we must centre the voices and lived experiences of disabled students, especially disabled Queer and Trans, Black, Indigenous, and People of Colour (QTBIPOC) students, in all levels of university governance, and develop strategies to advocate for meaningful change based on sound research and best practices. The responsibility for change rests with universities to lead the way forward, and university leadership must be committed to pushing back against a prevalent ableist institutional culture and internal bureaucratic structures. Stronger accessibility policies that seek to remove ableist barriers and create inclusive learning cultures in higher education can have a significant impact on the quality of education and life for many in BC.

PREAMBLE

The use of the term "disabled persons/ students" in this policy brief refers to individuals with either physical or learning disabilities including, but not limited to, persons with visual, hearing, physical, speech, and cognitive disabilities. It also includes neurodivergent and autistic individuals and individuals with chronic illnesses and mental-health disorders. The term "persons/students with disabilities" will not be

used unless directly cited from a source, as it is my opinion that such person-first language functions to separate our personhood from our disability. Instead, the term "disabled students" embraces disability as an identity, and reinforces disability as a positive identifier. It is important to note that whether an individual prefers people-first or identity-first language is not universal. I will also refer to non-disabled persons as "abled(s)."

AUTHOR'S POSITIONALITY

As a temporary settler on the homelands and traditional territories of the Sḵwx̱wú7mesh (Squamish), Səl̓ílwətaʔ/Selilwitulh (Tsleil-Waututh) and xʷməθkʷəy̓əm (Musqueam) Nations, I benefit directly from settler colonialism and other systems of oppression built on stolen Black labour and Indigenous lands. I am a disabled cis Woman of Colour with the privilege of accessing a university education, and I speak only from my own lived experiences. I do not speak to the experiences of all disabled People of Colour, especially those of Black, Indigenous, and Lesbian, Gay, Bisexual, Transgender, Queer, and Two-Spirit (LGBTQ2S) communities. I call on my readers to consider the ways the imbricated identities of these communities cannot be neatly parsed or separated, creating experiences with disability that cannot be overlaid with experiences of my (and your) own.

Problem Definition and Background

BACKGROUND

Disabled people, particularly those with chronic illness, face numerous and unique barriers in accessing the healthcare system. Services that are essential to the health and well-being of disabled people such as physiotherapy, mental-health counseling and therapy, dental care, hearing, and others are not covered under the healthcare system.[3] According to the 2017 Canadian Survey on Disability, 22% of Canadians above the age of 15 identify as having a disability,[4] which includes 24.7% of British Columbians.[5] Indigenous people experience higher rates of disability. Only 59% of Canadians with disabilities aged 25 to 64 are employed compared to 80% of Canadians without disabilities.[6] They also earn less than Canadians without disabilities, and are more likely to live in chronic poverty.[7]

The United Nations Convention on the Rights of Persons with Disabilities (CRPD), ratified in 2010, outlines Canada's commitment to recognize the rights of disabled people.[*] Under Article 24, the CPRD "recognizes the right of persons with disabilities to access inclusive education without discrimination and on the basis of equal opportunity and obligates states parties to provide appropriate supports and services."[**] This ensures that "the exclusion of students with disabilities from the education system is prohibited" and that "students with disabilities are integrated into mainstream classrooms."[***] However, international treaties and conventions are not part of Canadian law unless they have been implemented through legislation. In addition, filing a human-rights complaint is oftentimes consuming and costly, which poses further limitations to disabled communities facing poverty, discrimination, and exclusion in achieving justice and the right to inclusion and participation.

*   United Nations Convention on the Rights of Persons with Disabilities. (2006). United Nations Convention on the Rights of Persons with Disabilities. Retrieved from https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf
**   Ibid.
***   Ibid.

3.   Peters, G. (2019). Submission to the BC Government on Accessibility Legislation. Broadbent Institute. Retrieved from https://www.broadbentinstitute.ca/submission_to_the_b_c_government_on_accessibility_legislation

4.   Government of Canada. (2018). Making an accessible Canada for persons with disabilities. Government of Canada. Retrieved from https://www.canada.ca/en/employment-social-development/programs/accessible-people-disabilities.html

5.   Inclusion BC. (2019). New Accessibility Legislation promised for BC. Inclusion BC. Retrieved from https://inclusionbc.org/new-accessibility-legislation-for-bc/

6.   Ibid.

7.   Government of Canada. (2018). Making an accessible Canada for persons with disabilities. Government of Canada. Retrieved from https://

British Columbia is the largest province in Canada without any form of accessibility legislation to help identify, remove, and prevent barriers experienced by disabled people.[8] Despite significant developments in human-rights legislation for disabled people in recent years, there is currently no legislation, on the provincial or municipal level, to protect disabled people from discrimination. Unlike the Ontario Human Rights Commission (OHRC),[9] the BC Office of the Human Rights Commissioner does not have a specific policy tailored to ensuring accessible education for disabled students under the province's Human Rights Code. At the time of writing, the Ministry of Social Development and Poverty Reduction of British Columbia is in the process of developing a provincial accessibility legislation that would complement the recently passed Federal legislation, The Accessible Canada Act.[10] In July 2020, the Canadian Human Rights Commission published a survey for input on how it can monitor Canada's implementation on the United Nations Convention on the Rights of Persons with Disabilities and protect the rights of disabled persons. Therefore, it is timely that this policy brief recommends that any protections for disabled students in all universities in BC under the BC Ministry of Advanced Education, Skills and Training should and must therefore be included in the design of a provincial accessibility legislation.

INTRODUCTION

Accessibility policies and legislation are fundamental to bringing about a cultural shift toward greater inclusion in higher education, and this requires going beyond academic accommodations.

The purpose of this policy brief is to explore ways in which universities in BC can implement better accessibility policies and resources for disabled students to thrive and achieve success in their pursuit of higher education. It aims to lobby the BC Ministry of Social Development and Poverty Reduction, the BC Ministry of Advanced Education, Skills, and Training as well as university administrations (senates and governing boards) in BC, for the incorporation of six main recommendations in the BC provincial accessibility legislation. It also calls on the BC's Office of Human Rights Commissioner to strengthen its mandate on the protection of rights of disabled persons, including students.

A university education is often regarded as the crucial link between secondary education and success as an adult. Our increasingly competitive and precarious labour market also highlights the pressing need for access to a university education as a predictor of gainful employment and career development in meaningful occupations. This is especially true for disabled people whose range of employment is often limited to jobs that require fewer physical demands and more accommodations. It is therefore seen to be essential to the social and economic standing and development of disabled students.

Inclusive education is fundamental to ensuring that everyone has the opportunity to fully participate in Canadian society; however, disabled students often require accommodation and face subtle and overt barriers to receiving the same quality of education as

Barriers preventing wheelchair access across an otherwise accessible bridge in Auckland City, New Zealand. Photograph by Ingolfson, Wikimedia Commons.

www.canada.ca/en/employment-social-development/programs/accessible-people-disabilities.html

8. Inclusion BC. (2019). New Accessibility Legislation promised for BC. Inclusion BC. Retrieved from https://inclusionbc.org/new-accessibility-legislation-for-bc/

9. Ontario Human Rights Commission. (2018). Policy on accessible education for students with disabilities. Ontario Human Rights Commission. Retrieved from http://www.ohrc.on.ca/en/policy-accessible-education-students-disabilities#Duty%20to%20accommodate

Inclusive education is fundamental to ensuring that everyone has the opportunity to fully participate in Canadian society; however, disabled students often require accommodation and face subtle and overt barriers to receiving the same quality of education as non-disabled students.
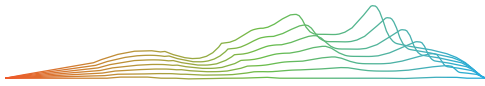
non-disabled students. Institutions, including universities, are governed by the "duty to accommodate" to ensure that disabled people have equal access to and benefit equally from services offered to the general public.[11] The duty to accommodate is a legal requirement, per Sections 2 and 15 of the Canadian Human Rights Act.[12] Due to the vague parameters of the law and definition around the extent of 'accommodation', it is often not enforced or implemented in a way that meets the needs of disabled students. As a result, disabled students are significantly under-represented in university, particularly in graduate programs.

The exclusion of and lack of support for students with disabilities remains a significant issue in universities, and this is often compounded for Black, Indigenous and People of Colour (BIPOC) who experience other forms of marginalization and exclusion. Removal of barriers faced by disabled students in accessing education can result in:

• A shift from the medical model of disability to the social model of disability;

• Reduced requests for accommodations (so that resources can be channeled towards responding to tailored needs);
• Positive attitudes toward disabled students;
• Increased awareness among students about their right to accommodation and to freedom from discrimination and harassment in education;
• Educators and staff who are well-trained on disability-related issues;
• Accessible approaches to teaching and learning, including resources and support in the classroom;
• Accessible digital content and technologies;
• Accessible built environment and physical infrastructure.

Continued failure to address these barriers leaves the education, livelihoods, and futures of disabled students in question. Often, these disparities are exacerbated for QTBIPOC students. Intersectional[13] identities—such as race, class, religion, ethnicity, sexual orientation, and gender—"function within intersecting systems of oppression that serve to marginalize and disempower disabled people and thus alter their accessibility needs and the quantity and nature of the barriers they experience as well as their ability to mitigate those barriers."[14] Specifically in the East-Asian community, there is profound silence and stigma around disability and mental illness. As a person of Chinese descent, I am often told that resting and seeking help is a sign of intolerable weakness in a community that prides itself on its academic and professional successes. I was discouraged by family and community members from seeking help, and these beliefs of internalized ableism have inevitably and severely impacted my physical, emotional, and mental health today. I know now that the barriers to healthcare services and accommodations I face differ from those of my White peers, which further marginalizes those of us who are most in need of support.

10.   Since universities are not under federal jurisdiction, The Accessible Canada Act does not apply.

11.   Currently, the Canadian Human Rights Act protects individuals from discrimination based on a number of grounds, including physical and mental disability.

12.   Canadian Human Rights Commission. (n.d.) Duty to Accommodate: Frequently Asked Questions & Answers. Retrieved from https://www.chs.ca/sites/default/files/uploads/duty_to_accommodate_frequently_questions.pdf

13.   The term "intersectionality" was coined by lawyer, Civil-Rights advocate, and critical race theory scholar Kimberlé Crenshaw to describe the various ways in which race and gender intersect in shaping structural and political aspects of violence against Women of Color.

14.   Peters, G. (2019). Submission to the BC Government on Accessibility Legislation. Broadbent Institute. Retrieved from https://www.broadbentinstitute.ca/submission_to_the_b_c_government_on_accessibility_legislation

Recognizing the importance of intersectionality, we need to move away from examining accessibility policies in solely single-identity dimensions. This brief is therefore grounded in the principles of disability justice[15] laid out by Sins Invalid and leading disability activists including Lydia X. Z. Brown, Talila A. Lewis, Mia Mingus, Patty Berne, Stacey Milburn, and Alice Wong among countless others. Disability justice emphasizes intersectionality and underscores that ableism does not exist in a silo; it is reinforced by settler colonialism, White supremacy, the exploitative capitalist model of valuing one's mind and body based on productivity, and rooted in a history of eugenics. Disability and accessibility policies must thus be written with BIPOC and LGBTQ2S students in mind, instead of being centered around White narratives and experiences.[16] How can we create the conditions necessary for disabled students—especially disabled BIPOC and LGBTQ2S students—to participate, thrive, and receive the care we deserve in our pursuit of higher education?

15. Sins Invalid. (2015). *10 Principles of Disability Justice. Sins Invalid.* Retrieved from https://www.sinsinvalid.org/blog/10-principles-of-disability-justice

16. Peters, G. (2019). *Submission to the BC Government on Accessibility Legislation. Broadbent Institute.* Retrieved from https://www.broadbentinstitute.ca/submission_to_the_b_c_government_on_accessibility_legislation

While we recognize that the stigma around mental health and disability needs to be eradicated, we often fail to identify ableism as the root of the stigmatization, discrimination, and marginalization that many disabled students face. This leads to individual-level solutions, rather than institutional or structural solutions. Ableism refers to "a set of beliefs or practices that devalue and discriminate against people with physical intellectual or psychiatric disabilities and often rests on the assumption that disabled people need to be 'fixed' in one form or another."[*] In my own experience as a disabled student, disabled bodies are often framed as bad or flawed bodies, and are regarded as lesser relative to non-disabled bodies.[**]

Ableism perpetuates this image of a perfect scholar as one who is non-disabled. This damaging narrative tells us that our disabled bodies and minds are disposable because we do not fit in this mold and sends a message that disabled students are not welcome or valued. Conversely, ableism can also celebrate the idea of a 'model disabled scholar' as someone who has overcome the perceived limitations and burden of a disabled body or mind to achieve success. It is equally harmful for us to believe that we have to exploit disability trauma by framing it as inspirational, brave or political for disabled people to be valued. Beyond disability, barriers to accessing higher education also encompass other factors that hinder a student's full participation in an educational context. These challenges include the lack of affordable housing in close proximity to campus, inaccessible transit options, financial barriers to therapy, and counselling services, as well as struggles managing workloads as a result of work and long commutes on top of academic commitments.

*   Smith, L. (n.d.) #Ableism. Center for Disability Rights. Retrieved from http://cdrnys.org/blog/uncategorized/ableism/

**   For further reading: Dolmage, J. (2017). Academic Ableism: Disability and Higher Education. Ann Arbor: University of Michigan Press. Retrieved August 14, 2020, from www.jstor.org/stable/j.ctvr33d50

Recommendations

1 Mandate the Collection and Intersectional Analysis of Disability-Based Data.

Currently, disaggregated data on disabled students (undergraduate and graduate) in universities is not collected by Statistics Canada or other sources. Most universities collect data on age, gender, and race but few to none collect data on disability. At most, any existing data only reflects the proportion of disabled students in the overall student population.

Disability-based data collection can be conducted by means of an individual survey questionnaire or incorporated into institutional surveys, such as annual student experience surveys. The scope of data and screening questions should adequately inform the extent of access and participation gaps, as well as teaching and learning practices, to support policy formulation and decision making.

While quantitative data effectively allows for greater objectivity and generalization of results, qualitative data that reflect students' self-evaluation in self-reporting tools can add depth and provide insight as to how disabled students perceive their level of success and satisfaction with the quality of university education they experience. At minimum, data on disabled students must include:

Quantitative data	- Breakdown of disabled students by race, gender, class and citizenship (*i.e.* percentage of disabled BIPOC, LGBTQ2S, low-income, and international students) - Full-time equivalent enrolment rates of disabled students - Utilization of accommodations and accessibility services - Access to accommodations and accessibility services - Retention/graduation rates - Average length of study across programs - Dropout rates - Level of employment of disabled graduates (within a year of graduation) - Number of accessible buildings and infrastructure on campus

Qualitative data	• Types of barriers and challenges disabled students encounter, especially impacts on campus experience and academic performance • Experiences of disabled studies requesting accommodation and accessing disability/mental health services on campus

It is recommended that universities use this data to analyze the potential inequities that disabled students, faculty, and staff face. This will ensure that universities are attracting and retaining diverse students who could potentially move into academic and leadership positions. An intersectional analysis will identify the impact of race, class, and gender are further marginalized and more vulnerable by ableist practices. This is necessary to identify existing strengths and barriers to advancing accessibility on campus, inform the development of policies and practices to address barriers, set long-term goals and outcomes with interim targets to track, measure and review. It is also recommended that the data be made publicly available to ensure transparency and accountability.

2 Mandate Disability and Accessibility Competency Training and Accessible Teaching and Learning Approaches for all Deans, Department Chairs, Faculty, and Staff Members.

2a. Mandate disability and accessibility competency training for all deans, department chairs, faculty, and staff members.

Department and faculty heads, faculty members, and staff must be equipped with the knowledge and skills to engage in issues of disability and accessibility, as well as ongoing professional development opportunities, so that they can actively work to change structures that maintain inequities, implement mechanisms of accountability, and deliver meaningful, ongoing support to disabled students. It is recommended that university department staff (as the first point of contact for students) establish clear and open mechanisms for receiving feedback and addressing complaints and concerns when raised. Follow-up and timely implementation of interventions are recommended in order to prevent recurrence. This should be a clear priority in the implementation of EDI initiatives on a university level, not just an option in the teaching and learning strategic plans. Universities should also highlight best practices by individuals to encourage modelling of behaviour among faculty and staff.

Despite a duty to accommodate, instructors are not contractually obligated to make the course design and materials accessible. Accessible and inclusive practices are often up to the discretion of the instructor and dependent on the instructor to ensure a barrier-free learning environment for all students.

2b. Mandate accessible teaching and learning approaches.

To address discretionary practices, it is recommended that compliance with accessible teaching and learning practices be mandated to improve the consistent delivery of accessible course material and flexible design of courses that will meet the needs of students with

diverse abilities and learning styles. Fewer accommodations will be needed over time; where accommodations are still required, universities can be much more responsive to tailored individual needs.

As universities move their teaching to online platforms in the current pandemic, accommodations around access and disability continue to shift to reflect our rapidly changing circumstances. Delivering accessible teaching and learning content must involve redesigning and modifying course materials, curriculum, syllabi or course requirements, and assessment rubrics to respond to students' learning needs. For example, pre-recorded lectures must include captioning and transcripts, and materials (*e.g.* slides) should be provided in advance that can be accessed using assistive devices and technologies. Textbooks or reference articles must be provided in alternate formats (*e.g.* PDF, e-text, larger type, *etc.*). Faculty and teaching assistants should also consider incorporating extra time for breaks and offer alternative assessment methods for students (*e.g.* option to choose between written, visual, audio formats).

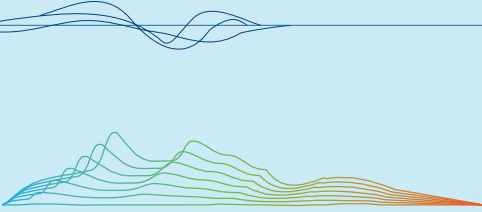*Despite a duty to accommodate, instructors are not contractually obligated to make the course design and materials accessible.*

3 Revise Accommodation Policies to Eliminate the Need for Medical Documentation and Include Transparent Conflict Resolution Processes.

It is recommended that an evidence-based revision of existing accommodation policies is undertaken in order to ensure that no student is excluded from receiving the specific accommodations they need on the basis of the failure to produce medical documentation or so-called academic integrity.

3a. Eliminate the need for medical documentation in requests for accommodation.

Most universities' accessibility policies stipulate that the university must provide reasonable accommodation to disabled students up to the point of undue hardship. However, the onus often falls on the student to submit a request in a timely manner (*i.e.* by a given deadline). The student also has to provide appropriate documentation of their disability. However, medical documentation can be a barrier when it comes to obtaining timely accommodation. A student's experiences of disability often precedes medical diagnosis, and waiting lists for many psychological assessments stretch over months, or even up to a year. For many students, especially BIPOC students, obtaining a clinical diagnosis poses financial and cultural barriers and stigmatizes us within our communities. BIPOC students also face greater barriers accessing healthcare due to medical racism[17] and bias—leading to disparities in diagnosis, treatment, and quality of medical care. Additionally, international students can face barriers in having to translate medical documentation from practitioners in their home countries, and they may be subjected to scrutiny over the validity of their documentation.

Students might also be subjected to inappropriate (and at times, invasive) requests for medical disclosure or other irrelevant information to meet the requirement for

17. *For further reading: Crear-Perry, J., Maybank, A., Keeys, M., Mitchell, N., & Godbolt, D. (2020). Moving towards anti-racist praxis in medicine. The Lancet (British Edition), doi:10.1016/S0140-6736(20)31543-9*

accommodation. This medicalized process leads to accessibility offices fitting students with certain disabilities into categories of one-size-fits-most accommodation—failing to produce meaningful, individualized accommodations that best fit the needs of the student. The lack of formal conflict-resolution processes to settle disputes about an accommodation issue further removes the student from the decision-making process by design.

Instead of relying on medical diagnoses as evidence of one's disability, universities need to center and trust the lived experiences of students. This requires a shift from a medical model of disability that uses very rigid and archaic definitions of disability, and reinforces biological differences of racial groups to a social model of disability that takes into account the many systemic barriers that exist in our current education system. The social model of disability is based on the premise that "disability is the result of the interaction between a person's functional limitations and barriers in the environment, such as social and physical barriers, that make it harder to function on a daily basis."[18] This model is widely accepted as the most-effective way for universities to respond to the needs of disabled students by understanding that disability is not about "fixing" the individual but rather about restructuring the ableist environment, practices, and cultural attitudes that impede them.

Furthermore, "academic integrity" is also often used to justify denying accommodations, "claiming that a given accommodation would affect the university's ability to maintain meaningful academic standards."[19] This blunts the effectiveness of any form of accessibility policy and protection for disabled students. This framing suggests that the absence and exclusion of disabled students may be more beneficial than our presence and participation in education, in order to maintain a sense of "fairness" in academia. Standards of academic integrity are also deeply rooted in ableism and exist to exclude disabled students. There is "little to no empirical evidence as to how academic integrity would be diminished by a particular accommodation."[20]

We need to rethink the way we define "disability" and what constitutes "reasonable accommodation." Students who do not identify with a particular medical diagnosis or are unable to produce medical documentation should be entitled to accommodations or receive specialized support services when needed. As previously mentioned, this requires a shift from a medical model of disability to a social model of disability. Accommodations must also be considered afresh and on a case-by-case basis according to each student's unique needs and not on the type of disability. Students sharing the same condition often experience it in very different ways, with different symptoms, intensity, limitations, and prognoses.

It is recommended a review of all policies and procedures that may reflect a "blanket approach" to accommodation in order to reflect a students' or staff's actual needs.

3b. Establish transparent conflict resolution processes for students to contest prescribed accommodations.

It is recommended that students be allowed to take an active role in contesting prescribed accommodations by establishing transparent conflict resolution processes to allow students

18.   *Statistics Canada. (2012). Canadian Survey on Disability, 2012: Concepts and Methods Guide. Statistics Canada. Retrieved from https://www150.statcan.gc.ca/n1/pub/89-654-x/89-654-x2014001-eng.htm*

19.   *ARCH Disability Law Centre. (2017). Submission—ARCH's Submission to the Ontario Human Rights Commission on its Review of the 'Guidelines on Accessible Education'. ARCH Disability Law Centre. Retrieved from https://archdisabilitylaw.ca/resource/brief-to-the-ontario-human-rights-commission-on-its-review-of-the-guidelines-on-accessible-education/*

20.   *Ibid.*

According to the United Nations Convention on the Rights of Persons with Disabilities, the duty to accommodate must be informed by the principles of "respect for dignity, individualization, as well as integration, and full participation."* Universities should "recognize a student's right to self-determination, to be treated without paternalism and to make decisions in their best interest with minimal interference," particularly when students speak about their own experiences.**

*   *Ontario Human Rights Commission. (2018). Policy on accessible education for students with disabilities. Ontario Human Rights Commission. Retrieved from http://www.ohrc.on.ca/en/policy-accessible-education-students-disabilities#Duty%20to%20accommodate*
**   *Ibid.*

to have the opportunity to engage and fully participate in coming up with alternative accommodations and a plan that works best for them. Treating students with dignity means considering students as a whole person, not merely in relation to their disabilities.

4 Reallocate Funding to Expand Disability and Mental-Health Services on Campus.

This recommendation calls for the reallocation of provincial or municipal funding in police departments to disability and mental-health services on campus. With increasing calls to defund and abolish the police system and public outrage over police-caused fatalities, it is important that we acknowledge how disability and wellness are often policed, especially for Black and Indigenous communities. At many universities in BC, police are the first responders to wellness checks when students living on campus face mental distress or a crisis. This can also be especially traumatizing for QTBIPOC students, whose communities face historical and ongoing racial profiling, violence, and discrimination in interactions with police. If a call poses a life-threatening situation for the police officer, police are legally entitled to use whatever force is deemed necessary to preserve their own life. These wellness checks have resulted in at least four deaths in Canada since April: Regis Korchinski-Paquet, Chantel Moore, D'Andre Campbell, and Ejaz Ahmed Choudry have all died during law-enforcement wellness checks.[21] In June 2020, an RCMP-conducted wellness check on a UBC Okanagan nursing student resulted in police brutality.[22] Reflecting national and international calls for action, it is recommended that officers are not involved in carrying out wellness checks.

Our universities need to critically rethink ways to respond to wellness checks and invest in disability and mental-health services. This includes (but are not limited to):

• Hiring of mobile crisis teams to be deployed to respond to wellness checks, staffed with outreach workers with lived experience who are better equipped with de-escalation skills and trained in crisis intervention to provide targeted support;

21.   Cooke, A. (2020). Recent deaths prompt questions about police wellness checks. CBC. Retrieved from https://www.cbc.ca/news/canada/nova-scotia/police-wellness-checks-deaths-indigenous-black-1.5622320

22.   Vancouver Sun. (2020). Five B.C. cities host "Justice for Mona Wang" rallies. Retrieved from https://vancouversun.com/news/five-b-c-cities-host-justice-for-mona-wang-rallies
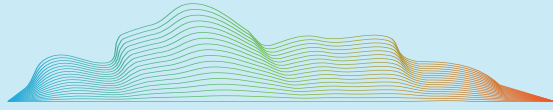
A disability advisory committee on the Board of Governors and Senate represented by disabled undergraduate and graduate students, faculty, and staff members will play a key role in ensuring that accessibility policies are made in consultation with people with lived experiences of disability, and are not siloed into the work of equity and inclusion offices (EIOs).

- Expanding mental-health services on campus by hiring more trauma-informed QTBIPOC counsellors to offer counselling services beyond "Western" models and significantly reduce wait times;
- Expanding student health and disability services by hiring more trained medical and nurse practitioners who are well-equipped to assess students with chronic health conditions.
- These services should be stipulated as basic provisions under student health fees. By doing so, students who need mental-health support can receive the care and protection they deserve when and where they need it.

5 Establish a Disability Advisory Committee to support Equity, Diversity, and Inclusion (EDI) Strategic or Action plans.

Universities require administrative structures and staff to develop, implement and monitor EDI strategies, action plans, policies, and practices. A disability advisory committee on the Board of Governors and Senate represented by disabled undergraduate and graduate students, faculty, and staff members will play a key role in ensuring that accessibility policies are made in consultation with people with lived experiences of disability, and are not siloed into the work of equity and inclusion offices (EIOs). Students representing a wide-range of abilities and racial and gender identities (racialized, immigrant, LGBTQ2S communities) should be meaningfully and regularly consulted, involved, and partnered in all aspects of university governance from the outset.

The role of the advisory committee could include, but need not be not limited to, advocating for and providing guidance on:

- Integration of disability-inclusive policy and practices across the institution, especially when addressing other issues, such as climate change or racial equity;
- Guidelines and best practices for research that involves and engages with disabled communities (for research-intensive universities);
- Scholarships, bursaries, and tuition waivers for disabled students, as well as partnerships with alumni and communities to support programming for disabled students;

- Recruitment and retention targets for disabled students, faculty, and staff that align with proportions of the provincial population as a priority for hiring practices,
- Transparent mechanisms for feedback and complaint processes across departments.

6 Mandate Accessible Building Codes.

This recommendation calls for a policy to mandate accessible building codes in order to enhance the accessibility of physical spaces on campus. This ensures that all buildings on university campuses are designed, constructed, renovated, or retrofitted so disabled persons can access buildings and utilize building facilities, especially buildings and common spaces that are highly frequented (*e.g.* bookstores, libraries, cafeterias, residence halls). The policy should be designed in compliance with the 2018 British Columbia Building Code in view of its new accessibility requirements and other applicable legal provisions. Accessible buildings and infrastructure, including parking spaces, are important because they allow for the mobility, interaction, and engagement of all students, and reduce social isolation for disabled students. They also often serve other segments of the population much more frequently than disabled persons.[23] For example, parents with strollers and delivery personnel also benefit from the installation of ramps. The case for accessible infrastructure needs to be reframed beyond focusing on one set of users and beneficiaries; the current framing only "perpetuates the idea that it is a compromise, instead of a social good."[24]

Accessibility information on the built environment of university campuses should be made publicly available in the meantime.[25] Collection of this data should be done through regular accessibility audits by an external vendor or equity and inclusion offices that utilize a consistent assessment framework and definitions of what constitutes "accessible" based on not only the types of accessibility and safety features available in the building but a full journey analysis of a disabled user.[26] For example, a ramp at the entrance of a building is ineffective if the journey to the building and other parts of the building are only accessible by stairs or if the principal entrance to the building is not barrier-free. Data should then be published and mapped out on a centralized database or website so that the information is publicly available for way-finding purposes. Results from the audit will also pinpoint current gaps and areas for immediate intervention and can be used by various departments (building operations, residences, faculties) to examine ways to improve the conditions of existing buildings.

The case for accessible infrastructure needs to be reframed beyond focusing on one set of users and beneficiaries; the current framing only "perpetuates the idea that it is a compromise, instead of a social good."

23. Donovan, L. (2018). *Who benefits from accessible infrastructure? Policy Options.* Retrieved from https://policyoptions.irpp.org/magazines/february-2018/who-benefits-from-accessible-infrastructure/

24. Ibid.

25. Martens, B. (2020). *UBC strives for inclusion — but nearly a third of buildings are inaccessible to disabled students. The Ubyssey.* Retrieved from https://www.ubyssey.ca/features/third-of-buildings-are-inaccessible/

26. Prescott, M., Miller, W. C., Routhier, F., & Mortenson, W. B. (2020). *Factors affecting the activity spaces of people who use mobility devices to get around the community. Health & Place, 64,* 102375. doi:10.1016/j.healthplace.2020.102375
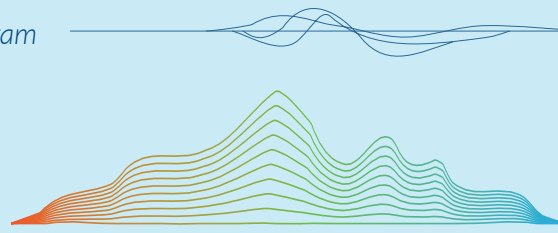
Conclusion

Universities have a long way to go to reduce the gap in social inclusion of disabled students and to adjust academic standards to meet their needs. It is clear that without these recommendations compelled by law, university administrations will be unlikely to implement them. This policy brief comes at a critical time, as universities formulate and advance COVID-19 recovery plans and deepen calls for stronger EDI mandates and policies in recovery efforts to ensure that no students are left behind. If universities are truly committed to doing so, this should be reflected in the directing of financial, human, and material resources toward surveying and addressing the needs of disabled students on campus and delivering ongoing support. In order for universities to be truly inclusive, we must centre the voices and lived experiences of disabled students, especially disabled QTBIPOC students, in all levels of university governance and strategies and advocate for meaningful change based on sound research and best practices.

KEY CONSIDERATIONS

Universities must address the inherent challenges that come with the disclosure of self-reporting data, the need for common definitions and the policy and legal ramifications of data collection practices.[27]

Universities must ensure that the implementation of EDI initiatives and recommendations do not rely on the unpaid labour of disabled QTBIPOC students. Disabled students must be fairly compensated and have access to decision-making roles and spaces where our voices matter and are not tokenized.

Most importantly, a cultural and social shift in the attitudes of students, faculty, staff, and university leadership towards disabled students is necessary for long-term social inclusion and equal opportunities for disabled students. The responsibility for change rests with universities to lead the way forward, and university leadership must be committed to pushing back against a prevalent ableist institutional culture and internal bureaucratic structures. Stronger accessibility policies that seek to remove ableist barriers and the creation of inclusive learning cultures in higher education can have a significant impact on the quality of education and life for many in BC.

Throughout the process of writing this brief, I have had the immense privilege of meeting some of the most brilliant, funny, and creative disabled students and disability organizers. I have also learned to embrace my own disability. I traced back the origin of the slogan of the disability justice movement "Nothing about us, without us" — to Black disability rights advocates in the 1980's; this slogan has guided my intentions behind this brief. Disabled students have been advocating for our own rights and needs for decades. We should not have to fail in order to prove our disabilities, or succeed in order to prove our worth. This brief builds on the wisdom and labour of many others before me, and my hope is that the work that follows will lay the foundation for more disabled students to access and navigate the university system with far fewer challenges than me.

I can only hope that one day these barriers will cease to exist.

27.   Universities Canada. (2019). Equity, diversity and inclusion at Canadian universities: Report on the 2019 national survey. Retrieved from https://www.univcan.ca/wp-content/uploads/2019/11/Equity-diversity-and-inclusion-at-Canadian-universities-report-on-the-2019-national-survey-Nov-2019.pdf

BIBLIOGRAPHY

ARCH Disability Law Centre. (2017). Submission—ARCH's Submission to the Ontario Human Rights Commission on its Review of the 'Guidelines on Accessible Education'. *ARCH Disability Law Centre.* Retrieved from https://archdisabilitylaw.ca/resource/brief-to-the-ontario-human-rights-commission-on-its-review-of-the-guidelines-on-accessible-education/

Canadian Human Rights Commission. (n.d.) Duty to Accommodate: Frequently Asked Questions & Answers. Retrieved from https://www.chs.ca/sites/default/files/uploads/duty_to_accommodate_frequently_questions.pdf

Cooke, A. (2020). Recent deaths prompt questions about police wellness checks. CBC. Retrieved from https://www.cbc.ca/news/canada/nova-scotia/police-wellness-checks-deaths-indigenous-black-1.5622320

Crear-Perry, J., Maybank, A., Keeys, M., Mitchell, N., & Godbolt, D. (2020). Moving towards anti-racist praxis in medicine. *The Lancet (British Edition),* doi:10.1016/S0140-6736(20)31543-9

Dolmage, J. (2017). Academic Ableism: Disability and Higher Education. Ann Arbor: University of Michigan Press. Retrieved August 14, 2020, from www.jstor.org/stable/j.ctvr33d50

Donovan, L. (2018). Who benefits from accessible infrastructure? Policy Options. Retrieved from https://policyoptions.irpp.org/magazines/february-2018/who-benefits-from-accessible-infrastructure/

Government of Canada. (2018). Making an accessible Canada for persons with disabilities. *Government of Canada.* Retrieved from https://www.canada.ca/en/employment-social-development/programs/accessible-people-disabilities.html

Inclusion BC. (2019). New Accessibility Legislation promised for BC. Inclusion BC. Retrieved from https://inclusionbc.org/new-accessibility-legislation-for-bc/

Martens, B. (2020). UBC strives for inclusion — but nearly a third of buildings are inaccessible to disabled students. *The Ubyssey.* Retrieved from https://www.ubyssey.ca/features/third-of-buildings-are-inaccessible/

Ontario Human Rights Commission. (2018). Policy on accessible education for students with disabilities. *Ontario Human Rights Commission.* Retrieved from http://www.ohrc.on.ca/en/policy-accessible-education-students-disabilities#Duty%20to%20accommodate

Peters, G. (2019). Submission to the B.C. Government on Accessibility Legislation. *Broadbent Institute.* Retrieved from https://www.broadbentinstitute.ca/submission_to_the_b_c_government_on_accessibility_legislation

Prescott, M., Miller, W. C., Routhier, F., & Mortenson, W. B. (2020). Factors affecting the activity spaces of people who use mobility devices to get around the community. *Health & Place,* 64, 102375. doi:10.1016/j.healthplace.2020.102375

Sins Invalid. (2015). 10 Principles of Disability Justice. *Sins Invalid.* Retrieved from https://www.sinsinvalid.org/blog/10-principles-of-disability-justice

Smith, L. (n.d.) #Ableism. Center for Disability Rights. Retrieved from http://cdrnys.org/blog/uncategorized/ableism/

Statistics Canada. (2012). Canadian Survey on Disability, 2012: Concepts and Methods Guide. *Statistics Canada.* Retrieved from https://www150.statcan.gc.ca/n1/pub/89-654-x/89-654-x2014001-eng.htm

United Nations Convention on the Rights of Persons with Disabilities. (2006). United Nations Convention on the Rights of Persons with Disabilities. Retrieved from https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf

Universities Canada. (2019). Equity, diversity and inclusion at Canadian universities: Report on the 2019 national survey. Retrieved from https://www.univcan.ca/wp-content/uploads/2019/11/Equity-diversity-and-inclusion-at-Canadian-universities-report-on-the-2019-national-survey-Nov-2019.pdf

Vancouver Sun. (2020). Five B.C. cities host "Justice for Mona Wang" rallies. Retrieved from https://vancouversun.com/news/five-b-c-cities-host-justice-for-mona-wang-rallies

A cultural and social shift in the attitudes of students, faculty, staff, and university leadership towards disabled students is necessary for long-term social inclusion and equal opportunities for disabled students.

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