



MTU

Ollscoil Teicneolaíochta na Mumhan
Munster Technological University

Reasonable Accommodation Policy (Student)

17th December 2021

Version: 1.0

www.mtu.ie/policies

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1. Purpose

This policy provides a framework for the provision of reasonable accommodation for students with disabilities/learning difference/significant ongoing health conditions studying in MTU. It underpins MTU's commitment to all students availing of reasonable accommodation at the University, as well as the role and responsibilities of the MTU Disability Support Service, Academic Departments, Central Services, Professional Services and External Service Providers.

MTU is a member of AHEAD and DAWN (Disability Advisors Working Network) and adapts their publication 'Inclusive Learning and the Provision of Reasonable Accommodations to Students with Disabilities in Higher Education in Ireland' (2019) and associated guidelines and resources. This policy is developed in accordance with the Employment Equality Acts 1998-2015, Disability Act 2005, the Equal Status Acts 2000-2015 (as amended). The policy demonstrates MTU's commitment to compliance with relevant legislation.

The ethos of the MTU Equity of Access and Participation Policy supports the provision of an inclusive teaching, learning and assessment environment, which acknowledges all learners. Academic Departments are encouraged and facilitated to engage in inclusive teaching methods and to strive towards the principles of Universal Design for Learning across all teaching and learning activities. MTU is committed to incorporating the principles of Universal Design across provision of services, the physical and virtual learning environment, the built environment and all other aspects of the MTU student experience. Within the context of this commitment to Universal Design, MTU recognises the role of reasonable accommodation in alleviating any disadvantage that may be experienced by a student with a disability in the teaching, learning, assessment, exam and work placement setting.

2. Scope

The policy applies to:

- All registered MTU students who wish to apply for and/or are availing of reasonable accommodation
- MTU Disability Support Service
- Academic Departments and associated work placement settings
- Central Services
- Professional Services
- External Service Providers

MTU endeavours to facilitate reasonable accommodation to support equitable access to pre-entry activities. This commitment is underpinned in the Equity of Access and Participation Policy and associated procedures and as such lies outside the scope of this policy.

3. Definitions

It is necessary to be familiar with relevant definitions to inform an understanding of this policy. These are set out in Appendix 1.

4. Roles and Responsibilities

Recognition of roles and responsibilities of staff and students is essential to the implementation of this policy. For the purposes of this policy, reference to the term “staff” also incorporates External Service Providers working on behalf of the University.

Responsible Office/Person(s)	Role
Staff	<p>Staff have a moral and legal responsibility and a duty of care to respond effectively when a student discloses personal information in relation to a disability/learning difference/significant ongoing condition¹. Please see section 5.4 regarding disclosure.</p> <p>Academic staff and MTU Professional Services, External Service Providers and Work Placement Providers have a duty to facilitate reasonable accommodation identified through needs assessment.</p>
Students	<p>In order to avail of reasonable accommodation, it is the responsibility of the student to notify MTU of their disability/learning difference/significant ongoing health conditions, provide verifiable evidence and undergo a needs assessment. It is also the student’s responsibility to follow specific procedures related to accessing reasonable accommodation in a timely manner as outlined above ².</p>
Disability Support Service	<p>The Disability Support Service has a responsibility to complete needs assessments in conjunction with the student and to advise the student regarding any procedures relating to accessing reasonable accommodation.</p>
Vice Presidents for Academic Affairs and Registrars Academic Administration and Student Affairs Managers	<p>The executive oversight of this policy rests with the Vice Presidents for Academic Affairs and Registrars and the Academic Administration and Student Affairs Managers.</p>

¹ Refer to the ‘Guidance for Staff on the Disclosure by Students of Personal Information’ document

² Refer to the ‘MTU Reasonable Accommodations Guidelines’ document

5. Policy

5.1 MTU Guiding Principles on the provision of Reasonable Accommodation

- MTU is committed to ensuring, as far as possible and within the framework of current legislative policy and requirements, that students with disabilities/learning difference/significant ongoing health conditions have equity of access to and participation in all teaching, learning, assessment, examination and work placement activities.
- MTU will strive to ensure that its courses, services and programmes and facilities are inclusive and accessible, and that students with disabilities/learning difference/significant ongoing health conditions can participate as independently as possible.
- MTU is committed to providing reasonable accommodation, informed by the individual assessment of need, which are designed to ensure that students with disabilities/learning difference/significant ongoing health conditions can engage and demonstrate their knowledge and competency on an equal basis with their peers.
- MTU will strive to create an environment where students are comfortable to disclose disabilities/learning difference/significant ongoing health conditions. The University will facilitate students to disclose a disability/learning difference/significant ongoing health conditions at any stage throughout their time at MTU.

5.2 Reasonable Accommodation

Within this policy 'reasonable accommodation' refers to any required facility outside the mainstream provision that supports equity of access for students with disabilities/learning difference/significant ongoing health condition to the teaching, learning, assessment, examination and work placement environment. This may include accommodation relating to the physical and virtual learning environment, access to course activities, materials and resources. Reasonable accommodation relating to assessment and examination aim to alleviate the impact of a disability/learning difference/significant ongoing health condition so that the student can demonstrate their knowledge of what is being assessed. The integrity of programme and learning outcomes must be maintained when determining reasonable accommodation for any student. Any modifications to assessment methods must ensure that learning outcomes remain validly assessed.

5.3 Needs Assessment

MTU Disability Support Service undertakes a needs assessment for students with disabilities/learning difference/significant ongoing health condition to determine any reasonable accommodation and/or other supports they may require in order to engage with

their course of study. The needs assessment is informed by the student's evidence of disability, educational history and experiences to date, the impact of their disability/learning difference/significant ongoing health condition in the third level learning environment and their current course requirements.

5.4 Disclosure

Disclosure in the context of this policy means informing the University about a disability, learning difference or health condition.

Students with disabilities/learning difference/significant ongoing health condition are encouraged to make a disclosure by making themselves known to the Disability Support Service through the procedures which are clearly signposted on the Disability Support Service website/literature. Students can disclose their disability on commencement of their programme or at any time during the course of their studies in MTU.

Under equality legislation once a student has disclosed a disability to any staff member of MTU, then MTU as a whole is deemed to be aware of this disclosure, therefore it is important that staff direct students to the Disability Support Service following disclosure of a disability so that the student can have their needs assessed.

5.5 Confidentiality and Sharing Information

MTU fully respects the right to privacy and actively seeks to preserve the privacy rights of students who disclose a disability. Any information disclosed by a student in relation to a disability is treated confidentially within MTU.

The principle of confidentiality is about privacy and restrictions on access to and dissemination of information. It means that staff can share a student's agreed personal information with others on the student's request. As MTU has a duty of care to all within its community, the University may, in exceptional circumstances, be required to share some information about a student with third parties without consent. These circumstances relate to situations where MTU reasonably foresees a risk to the life or safety of the student, or others. Such exceptional circumstances are provided for, in full, under the Data Protection Act and are outlined in the Data Protection Policy of the MTU. Following a needs assessment, relevant information regarding a student's request for reasonable accommodation will be shared within MTU and relevant third parties with responsibility for facilitating such requests. The content of the information shared is agreed with the student's permission. A student may at any time request restrictions to the sharing of this information, however, the student will be informed that such restrictions may adversely affect the level of support or reasonable accommodation that MTU or placement providers can offer the student.

All parties within MTU and relevant external providers that receive information regarding a student's disability must maintain confidentiality of such information. Staff can liaise with the Disability Support Service to obtain clarification or to seek advice regarding facilitating a reasonable accommodation. MTU, with the student's permission, encourages such dialogue among stakeholders to ensure that reasonable accommodation are implemented in a timely, relevant and effective manner.

5.6 Data Protection

Data collected by MTU will include 'personal data' and 'special category personal data' within the meaning of the Data Protection Acts 1988-2018 as it involves information by which students could be identified and may also involve information concerning their health.

Any personal information provided to MTU will be treated with the highest standards of security and confidentiality, in line with the MTU Data Protection Policy and in accordance with the General Data Protection Regulation (GDPR), the Disability Acts 2005, Equal Status Act 2000 (as amended), the Employment Equality Act 1998 (as amended) and Irish and European Data Protection legislation. MTU processes personal data in accordance with the General Data Protection Regulation (EU) 2016/679 and the Data Protection Act 2018.

5.7 Reasonable Accommodation related procedures

The MTU Reasonable Accommodation Guidelines document pertains to this policy. This procedures document can be accessed at: ³

6. Compliance

6.1 Equal Status Act 2000 as amended

MTU acknowledges its legal accountability whereby any action of a member of staff or agent of the University may be deemed to be an action of the University. Under Section 42 of the Equal Status Acts 2000-2015, MTU may be vicariously liable if its employees fail to reasonably accommodate a student's disability. Under the Equal Status Act 2000, a complaint may be made regarding the University's non-compliance with the legislation, i.e. failing to reasonably accommodate a student with a disability.

6.2 Disability Act 2005

The 2005 Act ensures appropriate access is available to mainstream public buildings, services, facilities and information. The University may be liable for investigation and fines for non-compliance under the Act.

³ Approved Policies available after ratification

6.3 Employment Equality Acts (“the EEA”)

The EEA prohibits discrimination and harassment during employment across nine grounds, including disability.

The University will consult with an employer who facilitates placement for a student with a disability in relation to the student’s reasonable accommodation needs.

6.4 UN Convention on the Rights of Persons with Disabilities

Under the UN Convention on the Rights of Persons with Disabilities, the Republic of Ireland, as a State Party, has committed to ensuring that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, MTU shall ensure that reasonable accommodation is provided to students with disabilities.

Appendix 1

Definitions

For the purposes of this policy the following definitions apply:

Term	Definition
Disability	<p>The legal definition of disability stipulated in the Employment Equality Act (1998) and Equal Status Acts (2000) as amended, defines disability as follows:</p> <ol style="list-style-type: none">1. “the total or partial absence of a person’s bodily or mental functions, including the absence of a part of a person’s body;2. the presence in the body of organisms causing or likely to cause, chronic disease or illness;3. the malfunction, malformation or disfigurement of a part of a person’s body;4. a condition or malfunction which results in a person learning differently from a person without the condition or malfunction; or5. a condition, illness or disease which affects a person’s thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour.” <p>and shall be taken to include a disability which exists at present, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person.”</p> <p>The Disability Act 2005 defines a “disability”, in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment.” Substantial restriction means a restriction that is permanent (or likely to be permanent) which results in significant difficulty in communication, learning or mobility and means that the person has a need for services to be provided on a continuous basis.</p> <p>MTU embraces the broadest interpretation of disability as outlined in the above Acts, which attempts to encompass all conditions that can amount to a disability.</p>
Disclosure	Disclosure of a disability to MTU means informing the University about a disability, learning difference or health condition
Discrimination	<p>The Employment Equality Acts define discrimination as the treatment of a person in a less favourable way than another person is, has been or would be treated in a comparable situation on any of the nine grounds, which includes disability.</p> <p>Discrimination is the treatment of a person in a less favourable way than another person was, is or would be treated on nine distinct grounds:</p> <ul style="list-style-type: none">· Gender

Indirect Discrimination	<ul style="list-style-type: none"> · Age · Disability · Family status · Marital status · Membership of the Travelling community · Race, ethnic origin, or colour · Religion · Sexual Orientation <p>Indirect discrimination occurs when practices, policies or decisions, that do not appear to discriminate against one group more than another, actually have a discriminatory impact. Indirect discrimination may arise more often in a higher education context, where all students are treated the same, and this results in a disproportionate effect on or a disadvantage to a student with a disability. If students with disabilities/learning difference/significant ongoing health conditions are not provided with reasonable accommodation, this will constitute indirect discrimination.</p>
Diversity	In the context of MTU, diversity means understanding that each individual is unique, and recognizing their individual differences. The University understands that diversity includes not only ways of being but also ways of knowing.
External Service Provider	An external service provider is an individual or entity contracted by MTU to provide services to students with disabilities/learning difference/significant ongoing health conditions e.g. personal assistant service providers, Irish sign language interpreters, transport service providers.
Higher Education Institution HEI	Higher education institutions (HEIs) include universities, technological universities, institute of technology, colleges, and further education institutions offering and delivering higher education. HEIs include traditional universities and professional-oriented institutions. They are institutions with whom the HEA works under statute or who are in receipt of core public funding.
Needs Assessment	Under the Disability Act 2005, students with a disability have a statutory right to an assessment of their educational needs and to the provision of related resources.
Nominal Cost	In the context of reasonable accommodation, what amounts to nominal cost will depend on the circumstances such as the size and resources of the entity involved.
Reasonable Accommodation RA	Equal Status Acts 2000-2015 requires that MTU provides reasonable accommodation for people with disabilities/learning difference/significant ongoing health conditions. 'Reasonable accommodation' means providing special treatment or facilities to make sure that people with a disability can avail of goods and services, so long as these do not have more than a nominal cost.

	<p>Within an educational setting, reasonable accommodation is a required facility outside the mainstream provision to allow the student with a disability to participate fully, and without an educational disadvantage in comparison with their peers.</p> <p>HEIs have only to go as far as being reasonable in accommodating a student with a disability, but this concept of reasonableness will vary from case to case. The factors in determining this will include the effect on other students, the effectiveness of the reasonable accommodation, the available resources at the HEI's disposal and the effect on the maintenance of academic or other standards</p> <p>The Equal Status Acts state that a HEI discriminates against a student with a disability if it does not do all that is reasonable to accommodate the student. ⁴</p>
Service Provision	<p>MTU provides an educational service and as such comes under the definition of a "Service" as outlined in the Disability Act 2005.</p> <p>In line with the Equal Status Acts 2000-2015, students should not be denied access to the educational service provided by MTU because of their disability and it is illegal to discriminate in this regard on grounds of disability.</p>
Vicarious liability	<p>Vicarious liability' refers to a situation whereby a person is legally responsible for another's actions. Employers may be liable for any act of discrimination by an employee in the course of their employment unless the employer can prove that they took reasonable steps to prevent the discrimination.</p> <p>Adapted from https://www.ihrec.ie/guides-and-tools/human-rights-and-equality-for-employers/what-does-the-law-say/eea-summary/</p>

⁴ For a more in-depth summary of the 2000 Act see <http://www.ahead.ie/education-legislation>

Document Control

A. Document Details

Title:	MTU Reasonable Accommodation Policy
Owner(s):	MTU Registrars and Vice President for Academic Affairs
Author(s):	MTU Reasonable Accommodation sub-group of the MTU Access and Disability Working Group
This Version Number:	1
Status:	Approved
Effective Date:	17th December 2021
Review Date:	1/1/2023

Important Note: If the 'Status' of this document reads 'Draft', it has not been finalised and should not be relied upon. An existing approved policy is deemed relevant until such time as an updated policy has been approved by the relevant approval authority and becomes the new binding policy.

B. Revision History

Version Number	Revision Date	Summary of Changes	Changes tracked?	Proposed Revision Date

C. Relevant/Related Existing Internal/External Documents

<p>'Inclusive Learning and the Provision of Reasonable Accommodations to Students with Disabilities in Higher Education in Ireland' (2019) - DAWN (Disability Advisors Working Network) and AHEAD</p> <p>Technological Universities Act 2018</p> <p>Employment Equality Acts 1998 to 2015</p> <p>Equal Status Acts 2000 (http://www.ahead.ie/education-legislation)</p> <p>Equal Status Acts 2000-2015</p> <p>Disability Act 2005</p> <p>Irish Human Rights and Equality Commission Act 2014</p> <p>UN Convention on the Rights of Persons with Disabilities</p> <p>General Data Protection Regulation (EU) 2016/679</p> <p>Data Protection Acts 1988-2018</p> <p>National Plan for Equity of Access to Higher Education 2015-2019 -(this was extended to 2021 following a review in 2019; available at: https://hea.ie/policy/access-policy/national-access-plan-2015-2019/)</p> <p>AHEAD https://www.ahead.ie</p> <p>IHREC Guide</p>

<https://www.ihrec.ie/guides-and-tools/human-rights-and-equality-for-employers/what-does-the-law-say/eea-summary/>

MTU Equity of Access & Participation Policy

MTU Data Protection Policy (<https://www.mtu.ie/policies>)

D. Consultation History

This document has been prepared in consultation with the following bodies:

Learning Resources/Infrastructure and Student Supports Integration & Development Committee

E. Approvals

This document requires following approvals (in order where applicable):

Name	Date	Details of Approval Required
MTU Learning Resources/Infrastructure and Student Supports sub-committee of Academic Council	1 st December 2021	
MTU Academic Council	17th December 2021	Version 1

F. Responsible for Communication and Implementation

The Manager/Functional Area responsible for communication and implementation of the policy:

Title	Functional Area	Date Implemented
Registrar and Vice President for Academic Affairs	Office of the Registrar and Vice President for Academic Affairs	17th December 2021
Academic Administration and Student Affairs Manager	Student Services	17th December 2021