

# Memo



UNIVERSITY SECRETARIAT

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TO Senate  
FROM H. Smith  
DATE November 27, 2012  
SUBJECT Report to Senate

As set out in the *Senate Policy on Student Appeals, Rights and Discipline* ([http://www.queensu.ca/secretariat/policies/senateandtrustees/SARD\\_Policy.pdf](http://www.queensu.ca/secretariat/policies/senateandtrustees/SARD_Policy.pdf)) at subs.46(c), the University Student Appeal Board (USAB) may send a report to the Senate or other relevant University constituencies about a proceeding, but such reports shall not identify the student unless the student so requests.

Following a recent USAB decision, the attached report is submitted to the Senate for referral to the Educational Equity Committee.

Sincerely,  
Harry Smith  
Secretary, USAB  
Co-ordinator, Dispute Resolution Mechanisms



FACULTY OF LAW

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October 16, 2012

Mr. Harry Smith  
Co-ordinator, Dispute Resolution Mechanisms  
Richardson Hall, Room 153  
Queen's University  
Kingston, Ontario  
K7L 3N6

Dear Mr. Smith,

Pursuant to section 46(c) of the *Queen's University Senate Policy On Student Appeals, Rights & Discipline* I write to advise you of two issues that arose in a recent USAB matter that are of wider concern than just the parties. I ask for your kind assistance in bringing this information to the attention of Senate and/or University officials as you deem advisable.

First, the responsibilities of a faculty or department to a student who self-identifies as disabled during the course of a program to which he or she has gained admission requires clarification. In such circumstances there is a need for accommodation decisions relatively quickly so as to allow the student to progress through the program. At the same time, the student has an interest in maintaining the confidentiality of his or her medical information and personal privacy. These two interests are each important. A faculty or department in this position, in the Board's view, should refer the student to the Disability Services Office to verify information, request more information where that information is required to address accommodation issues, and consult with the student. This allows Disability Services and the student to settle upon accommodation to suggest to the faculty or department. At the same time, the faculty or department may rely on expert advice in disability accommodation and thereafter consider whether providing those suggested accommodations would be unreasonable bearing in mind procedures and resources. Moreover, the student's confidential medical information would be available to Disability Services but would otherwise be kept confidential. In the Board's view, this is a matter that requires clarification for students and administrators alike and for appropriate procedures to be put into place. Failure to navigate this problem correctly may well deny a student the right to accommodation, both procedurally and substantively. This is, in the Board's view, a matter that must be addressed across the whole of the University.

Second, in the accommodation of disability in the context of professional education in which supervised practical application of professional skills (i.e. a 'practicum') is part of the curriculum, policies should be developed to assist administrators and students understand what accommodations, if any, might be expected from persons and agencies external to the University and what information respecting disability and accommodations, if any, should be disclosed as part of arranging of the practicum or assessing a student by an external professional.

If you require further information or clarification, please advise. Thank you for your anticipated cooperation and assistance.

Yours truly,

A handwritten signature in black ink, appearing to read "David Freedman". The signature is written in a cursive style with a period at the end.

David Freedman  
Chair, USAB