

# **Identifying Essential Requirements: A Guide for University Disability Service Professionals**

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## Introduction

The purpose of this guide is to assist university disability professionals in identifying essential requirements, or learning outcomes, in course or program curricula. The guide reflects the intent of the Ontario Human Rights Commission (OHRC) to ensure access and equity in the provision of post-secondary education for all persons, including those with disabilities. The guide also incorporates the definitions and guidelines outlined by the Council of Ontario Universities (COU) in the quality assurance process which was designed to ensure the quality of university degrees in the province. IDIA recognizes that Ontario universities are also subject to provisions and requirements set out in [Quality Assurance Framework](#) as approved by the COU in March 2011.

## Accommodations

The purpose of accommodation is to remove and prevent barriers for students with disabilities that may interfere with the opportunities for full participation in the learning environment (OHRC, 2004). One role of the disability professional is to assess a student's documentation, and in consultation with the student, to determine what accommodations should be put in place to ensure the student has an equitable opportunity to participate in the learning environment. The accommodation process is individualized in that accommodations plans will vary from one student with a disability to the next. The process for modifying accommodations is also ongoing as disabilities and a student's experience of his/her disability can change over time.

What remains constant in the accommodation process are the essential requirements for the course or program. The essential requirements are the learning outcomes, or the skills, knowledge or attitudes that must be achieved at a designated level in order to be successful in the course. "An appropriate accommodation at the post-secondary level would provide an opportunity for a student to successfully meet the essential requirements of the program, with no alteration in the standards or outcomes, although the manner in which the student demonstrates mastery, knowledge and skills may be altered" (OHRC, 2004, p. 24).

Since the accommodation process is a shared one between the student, faculty members and disability service professionals, having a mechanism for disability services personnel to engage with faculty on a regular basis can be helpful. Regular discussions about matters related to the academic accommodations, including identifying essential requirements, can assist with designing appropriate solutions to particular accommodation needs perhaps *before* difficulties arise. Some disability service offices might find it useful to establish academic advisory committees, consisting of faculty members from various schools and faculties, to work with disability service personnel in examining and devising appropriate solutions for a wide variety of accommodation needs.

### What is an essential requirement?

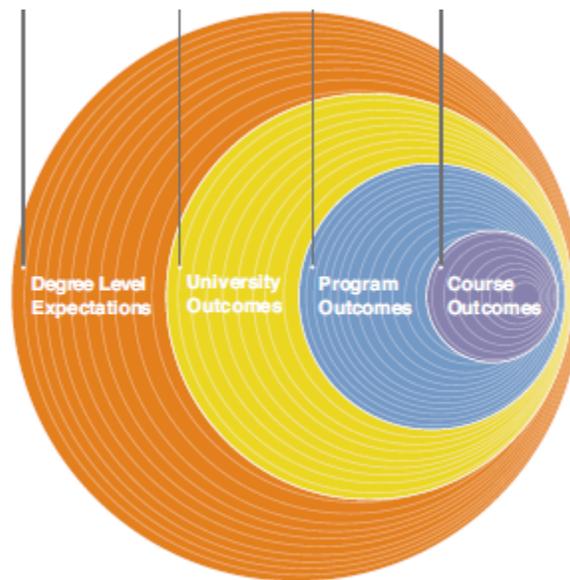
The term 'essential requirements' is used by the OHRC to describe those components in a curriculum that are "indispensable, vital and very important." "Essential requirements of a course or program refer to the knowledge and skills that must be acquired or demonstrated in order for a student to successfully meet the learning objectives of that course or program" (Rose, 2009). When applying the term essential requirement to course components, the OHRC recommends careful scrutiny. Essential requirements can be defined by two factors:

- 1) A skill that must be necessarily demonstrated in order to meet the objectives of a course;
- 2) A skill that must be demonstrated in a prescribed manner.

In other words, an essential requirement is a learning outcome. According to the COU, learning outcomes “define what a student should know, and be able to do, after successful completion of an assignment, activity, class, course or program” (2011).

Course learning outcomes are part of a larger, interconnected curriculum. Learning outcomes are reflected or mapped to program learning outcomes – the outcomes that must be achieved to successfully meet the program standards. The program outcomes must reflect the overall university outcomes, which in turn, are required to meet the degree level expectations. Each one builds on the other to ensure a well-developed curriculum that leads to a degree that fulfills the provincial standards. The following is a graphical depiction of Degree Level Expectation and Learning Outcomes.

Figure 1: Interaction of Degree Level Expectations and Learning Outcomes



COU, 2011.

Disability service professionals in Ontario universities are tasked with developing accommodation plans for students with disabilities in courses and programs where learning outcomes and objectives are often not specified, and in cases where they are stated, they may be vague and confusing. In their role of identifying and removing barriers to participation, it is important that disability service professionals are familiar with some of the core tenets about how learning outcomes and objectives are identified and defined.

## What makes up a learning outcome?

A learning outcome, that essential knowledge or skill, may require numerous learning tasks or assignments in order for it to be achieved. These required milestones are generally known as objectives. Outcome and objective statements begin with an active verb that enables the student to know what is required and at what level. Therefore, outcomes are measurable. They complete the phrase, “By the end of this course, students will be able to...”

Here’s an example of well-written learning outcomes:

By the end of this course, students will be able to:

- Evaluate the theoretical and methodological foundations of primary critical material;
- Effectively employ their evaluation to defend their position on a specific topic;
- Communicate the results of their research findings and analyses to fellow classmates.

Effectively written learning outcomes do not confuse the *assessment* with the *learning goal* of the outcome. For example, for the outcome “effectively employ their evaluation to defend their position on a specific topic”, the professor may state in the course outline that assessment for this outcome is an oral presentation. However, if a student has a communicative disorder and is unable to do an oral presentation, meeting this outcome could be achieved by writing a paper. The oral presentation is not the outcome but an assessment of the outcome; “effectively employing the evaluation” may be assessed using many different methods such as making a poster, designing a PowerPoint presentation, writing an essay or creating a video. Determining the most effective accommodation for the student to meet the outcome usually requires a conversation with the disability professional, the student and the faculty member.

Determining how an outcome can be measured is often the challenge. Learning outcomes that are vague or poorly formulated are more difficult to evaluate. This is an example of two poorly written learning outcomes:

By the end of the course, students will:

1. Understand the difference between qualitative and quantitative research.
2. Learn to do I.V.s on patients.

These outcomes are imprecise and do not communicate what exactly must be learned and at what level. How do we know when the student has successfully achieved the outcome? What does it mean to understand something? At what level of learning does the faculty member consider the students to have achieved understanding? How is this understanding to be evaluated? If a student watches a video on I.V.s, does that mean that they have learned that outcome?

To improve these outcomes, they should begin with an active verb at the appropriate skill level.

For example:

Basic level: Describe the difference between qualitative and quantitative research.

Advanced level: Employ research techniques that include both qualitative and quantitative methods.

For the second outcome, a measurable outcome could be:

Start an I.V. in a patient.

Clearly written learning outcomes can provide some flexibility in their assessment. For example, a student can *describe* something in a presentation, in a paper, on flash cards, on a poster, doing role play, etc.

For the second outcome, there may not be much flexibility in achieving it. A student should be able to take the appropriate steps to start the I.V. An alternative assessment such as writing a paper, or making a presentation, would not be appropriate as the student must actually complete the process of starting the I.V. on a patient. A conversation with the faculty member would be necessary to fully explore the implications.

The following is a chart that aligns the knowledge level (according to Bloom’s Taxonomy) with some of the active verbs associated with outcomes at that level with accompanying examples of how students could be assessed.

Figure 2 – Examples of outcomes and evaluations using Bloom’s Taxonomy

<b>Difficulty Level</b>	<b>Active Verb for Outcome</b>	<b>Evaluation Examples</b>
Knowledge	Define, repeat, record, list	Examples, illustrations, analogies
Comprehension	Translate, restate, discuss, describe, recognize, explain express, identify	Discuss, review, report, present, write
Application	Interpret, apply, employ, use, demonstrate, dramatize, practice, illustrate, operate, schedule, shop, sketch	Simulations, role play, micro teach, practice, demonstrate, projects
Analysis	Distinguish, analyze, differentiate, appraise, calculate, experiment, inspect, criticize, compare/contrast	Problems, exercises, case studies, critical incidents, discussion
Synthesis	Compose, plan, propose, design, formulate, arrange, collect, construct, create, organize, manage, prepare	Projects, problems, case studies, creative exercises, develop plans, construct, simulations

## What are learning objectives?

In order to achieve a learning outcome, there are usually a series of learning tasks or objectives that must be undertaken. As with learning outcomes, learning objectives begin with an active verb. There may be several learning objectives required to achieve one learning outcome. For example:

By the end of the course students will be able to:

Make chocolate chip cookies. (This is the learning outcome.)

Learning objectives:

- Read and interpret recipes.
- Measure ingredients.
- Determine which tools are required to complete baking tasks.
- Grease cookie sheet.
- Operate the oven.

And so on. As disability professionals, it may be necessary to facilitate accommodations for your students for one or more of the learning objectives. Is the objective considered essential to achieve the learning outcome, or can skipping the task or determining an alternative be considered sufficient?

Also one may have to consider whether it is the *product* that is being evaluated – in this case the chocolate chip cookies – or is it the *process*, the entire act of creating the cookies from start to finish, or is it both. These are conversations to have with the faculty member and the student to ensure clarity of course requirements.

## Systemic Barriers

The absence of clearly defined and articulated essential requirements in courses and programs can create systemic barriers to participation for some students with disabilities. A systemic barrier is identified as a policy, practice or requirement that appears neutral on the surface but when examined more closely, excludes some people with disabilities. While such systems are rarely *intended* to be discriminatory, this can be the effect when tasks and requirements, for example, are cited as obligatory without concrete evidence of a definitive connection between them and the expected outcome.

## Tests and Exams

One of the more difficult conversations to have with a faculty member concerns accommodations for tests and exams. For some students with disabilities, exams and tests create significant barriers that often prevent them from demonstrating their genuine mastery of materials or skills. In many cases, understanding the material and responding to questions is not the issue. The barrier can be the structures and activities accompanying exams and tests that typically exist only in academia.

For example, requiring students to sit at uncomfortable workstations for hours with hundreds of peers in noisy, large auditoriums, using only a pen to write pages of responses without access to reference materials could be seen as less a measure of material mastery and more about one's stamina to withstand such conditions.

Many faculty members completed their education through traditional evaluation methods and therefore, tend to employ similar methods in their own teaching practices. As such, convincing some faculty members that their outcomes can be achieved without a test or exam can be difficult. However, in situations where documentation and proper assessment indicate clearly that the use of modified or alternative evaluation methods would support a student's equitable participation, engaging with faculty about these issues is necessary.

Your conversation with the faculty member should focus on what the ultimate goal is of the test – and use active verbs. Is the goal to *measure* the students' level of understanding at a particular point in the course; is it to *apply* concepts, to *analyze* case studies, or *explain* methods? Once you are able to work together on determining the goal of the test or exam, then you can begin to offer alternative options for achieving the same goal. It might be that a student writes a calculus essay that explains the processes of solving the equations rather than writing a final exam, or has an oral test rather than a written one.

According to the Human Rights Commission, it is the university that must demonstrate that the student is incapable of performing or achieving the essential requirements, even with accommodation. The Code states that this decision must be reached by actually assessing the student and not making assumptions about performance. "There must be an objective determination of that fact" (OHRC, 2004, p. 25).

## Non-essential Requirements

There may be times when some elements of a course could be considered "non-essential." According to the OHRC, non-essential requirements are those that would not impact the successful completion of the learning outcomes if they were waived. Accommodations may include alternative methods for achieving the requirements, or removing the requirement altogether. This would require consultation with the faculty member, the student and the disability professional.

## Professional Programs

Some students with disabilities experience challenges related to their accommodation when they enrol in professional programs. Programs such as law, medicine, dentistry, engineering, occupational/physical therapy, social work or education, are designed to prepare students for employment in their chosen profession after graduation. Faculty members in these programs often see themselves both as educators and trainers, seeking to ensure that students acquire the prerequisite skills and knowledge that the profession demands. Many professional programs support this emphasis on skill development by having students complete field placements, practicums, articling positions or residencies as part of the curriculum.

One inherent challenge with managing accommodation planning for students in professional programs is separating the educational elements from the perceived professional development component of the program. When engaging with faculty members and students in exploring possible accommodations, faculty members often argue that the accommodation should resemble that which the student might experience as an employee in the workplace. In these cases, the disability service professional is frequently required to remind the faculty member that the university's obligation to the student is as an educator first. As education is deemed a service under human rights legislation, even when students are participating in off-campus training programs such as field placements or practicums, they are generally entitled to the same type of accommodations as they would be in the classroom. As the employer has generously agreed to participate in this educational process, the employer is obligated to allow the accommodation.

It should be noted, however, that some accommodations that are appropriate for the classroom may have to be modified in placement setting. For example, recording information may not be feasible in a workplace due to confidentiality concerns. As such, the disability service professional will need to work creatively with the student, faculty member and placement personnel in designing an accommodation plan that will cover all aspects of the student's educational experience. Canvassing practitioners with disabilities in the field or consulting with human resource departments is a good way of learning about how the profession already accommodates individuals with disabilities. Compiling a resource list about the experiences of people with disabilities in a variety of professions is also another way of identifying possible solutions to accommodation challenges. Thanks to recent enactment regulations under the *Accessibility for Ontarians with Disabilities Act, 2005*, employers are becoming more aware of their obligations with respect to creating accessible workplaces and we are seeing people with disabilities gainfully employed in a much wider range of professions than ever before.

In designing accommodation plans, disability professionals should be prepared to ask the same type of questions about field placement and practicum requirements as they would about academic requirements. When faced with resistance, disability service professionals will need to work closely with faculty members and professionals in the field in order to identify the essential requirements related both to the field-required tasks as well as the placement's structure. For example, practicums that require students to work full-time hours, every day, for several weeks may be a significant challenge for

some students with disabilities. Knowing that these requirements often reflect a university's programming need rather than professional practice obligations, disability service professionals should be prepared to re-examine aspects of the professional program in order to identify the essential requirements.

## Asking the Right Questions

These questions may provide some guidance when analyzing the curriculum to determine if course components are essential and assist in determining accommodations.

1. What is being assessed?
2. What is the nature of the required task?
3. Is there only one way in which the task can be completed? If so, why?
4. Has the essential requirement been established in good faith?
5. Is the requirement rationally connected to the purpose for which it is intended?
6. Is it rationally connected to the purpose of the course or program?
7. Is there evidence that it is demonstrably necessary?
8. Does the requirement exclude certain groups based on assumptions about the function/abilities of those groups (i.e. student with disabilities)?
9. Does the accommodation maintain the essential requirements of the course?

(Roberts, 2010)

## Denying Accommodation

According to the Ontario Human Rights Commission (2003), educators must provide accommodation, up to the point of undue hardship, to enable students to meet the essential requirements. (p.62)

In the *Policy and Guidelines on Disability and the Duty to Accommodate* (2001) the OHRC prescribes three factors when considering undue hardship:

### Cost

- Quantifiable, based on the operating budget of the institution, not the individual disabilities office;
- Substantial, such that it would alter the essential nature of the enterprise, or so significant that they would substantially affect its viability (p.30).

### Outside Sources of Funding

- Make use of outside resources in order to meet the duty to accommodate and must first do so before claiming undue hardship (p.33).

### Health and Safety

- The university would need to demonstrate that its health and safety standard is reasonably necessary and that accommodation cannot be accomplished without incurring undue hardship (p. 34);

### Disputes

- Where there is a dispute regarding a proposed accommodation, and the university alleges undue hardship, the onus is on the university to demonstrate it. It is not the responsibility of a student seeking accommodation to prove that a proposed accommodation *would not* cause undue hardship (p.58-59).

It is important that education providers not rush to claim undue hardship. Achieving the accommodation may require further training for staff, or alternative supports for the student. The threshold for undue hardship is high and therefore, the accommodation process must be fully explored, to the point of undue hardship (p.70).

While the bar is set very high with respect to a university's obligation to accommodate, there may very well be situations when disability service professionals may need to support an institution's decision to deny accommodation where it is clear that such accommodation contradicts an essential requirement. For example, students studying emergency medicine would likely not be granted extra time to carry out certain procedures. Students enrolled in a geology course about rock formation at glacier sites would reasonably be expected to be in a certain physical condition to participate in a required field trip. Finally, a Ph.D. student researching present-day cancer treatments might be denied time-to-completion extensions as his or her research becoming obsolete could contradict the essential requirement of contributing original scholarly work to the field.

### Conclusion

Disability service professionals play critically important roles in supporting the equitable participation of people with disabilities in Ontario universities. Along with reviewing medical, psycho-educational, neuro-psychological and other disability-related documentation and assessing a students' experience of their disability, disability service professionals must also conduct thorough task-analyses to be sure the accommodation plans they design and implement supports the student's participation while respecting the university's academic integrity. Having practical tools that assist with identifying essential requirements are key to achieving this delicate balance.

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