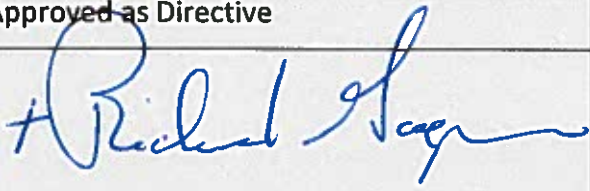
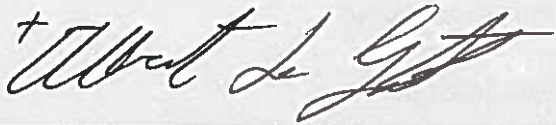




| | |
|---------------|---|
| POLICY | Non- Academic Student Accommodations |
|---------------|---|

| | | | |
|--|--|--|--|
| Implemented | | Updated | |
| Date Approved | March 21, 2018 | Dates of Amendment | |
| Cross Reference | Respect for Human Dignity & Equality Policy , Manitoba Human Rights Code | | |
| Approved as Directive | May 23, 2018 | | |
|  | |  | |
| Archbishop Richard Gagnon Archdiocese of Winnipeg | | Archbishop Albert LeGat Archdiocese of Saint Boniface | |

POLICY STATEMENT:

The Manitoba Catholic Schools strive to provide learning environments that are safe, welcoming, inclusive and affirming of the uniqueness of every student created in God’s image and likeness. The aim of a Catholic school is to promote the spiritual, physical and intellectual development of students in a loving learning environment.

Manitoba Catholic Schools are committed to the life and mission of the Catholic Church by providing a learning environment in which all individuals are treated with dignity, respect and fairness with due regard to the principles of the Manitoba Human Rights Code.

A Catholic school will always focus on the best interests of the individual student and the school community when considering a request for accommodation. Each request will be dealt with on a case by case basis.

Confidentiality and Privacy Protections

At all times, the confidentiality and privacy rights of the student involved are paramount. Any information that must be disclosed for the purposes of accommodations outlined in this Policy must only be disclosed on a need-to-know basis and in accordance with any other legal obligations.

The Principal or his/her designate, is responsible for determining what, if any, information is provided to staff, other students, parent(s)/guardian(s), the Board of Directors, and/or the Superintendent in order to facilitate a request for accommodation, as well as the appropriate manner in which to provide the information. Any notification must be shared in a manner that respects the dignity of the student and family involved.

Accommodations

Accommodating means allowing changes to the way things are usually done. Reasonable accommodation results in greater equality of opportunity and participation.

Common accommodations might include but are not limited to the following;

- 1) Disabilities
- 2) Common/preferred names and pronouns
- 3) Dress codes and uniforms
- 4) Washroom accessibility
- 5) Change room accessibility
- 6) Competitive athletics and other activities
- 7) Excursions, trips, camps

Request for Accommodation

All requests must be submitted in writing to the Principal, and must include the type of accommodation requested and the reasons for the request. The person(s) making a request should allow appropriate time for due process to take place when the request is of a time sensitive nature.

A request for accommodation can be made by:

- A student's parent(s)/guardian(s)
- A student who has reached the age of 18

Case Management Process

The Principal will establish a Case Management Process for each request. This process shall start within 5 working days of receiving a request for accommodation. The Principal should take into account the time frame of the process if the request for accommodation is of a time sensitive nature.

The Case Management Process will involve collaboration, as appropriate, with the following: administration, school president, board chair, Superintendent, educators, medical professionals, clergy, other professionals, parent(s)/guardian(s) of the student involved and the student. The Case Management Process shall be guided by and take into consideration the best interests of the student, legal requirements such as the Manitoba Human Rights Code, other Legislation, the Teachings and Canons of the Roman Catholic Church and School Policy. The Superintendent will be consulted when there are gender non-conforming accommodation requests.

Not all requests for accommodation are reasonable even if they are based on a protected characteristic of the Manitoba Human Rights Code. If it is not possible for the school to grant the request in full, or in part, it must be shown that it would cause undue hardship to the school to do so. *Undue hardship* is not defined in The

Manitoba Human Rights Code; however, case law has established that it is more than minimal hardship and based on actual evidence and not assumptions. Inconvenience or some financial cost will not normally qualify as undue hardship. The following factors contribute to undue hardship:

- Health and safety risks
- Financial cost of accommodation in relation to school resources
- Legitimate operational requirements
- Impact on employees and students
- Impact on protected rights of the Catholic School, or of individuals within its community

Whether or not the ideal accommodation results in undue hardship, other more readily achievable alternatives must be explored. Reasonable accommodation is not always ideal.

If after all consultations a Case Management Plan is developed, it will include a unique set of accommodations based on the particular student's situation. The Case Management Plan will also indicate a clear sense of anticipated actions and adopted strategies for accommodation, as well as short and long-term timelines for review, evaluation and modification. The plan must be clearly defined to the person(s) making the request in a Response Letter.

If the Case Management Process leads to the school deciding not to accommodate the request, this must be clearly defined in writing to the person(s) making the request in a Response Letter.

Resolving Conflict and Appeal Process

If conflict arises with regard to the outcome of the request, the person(s) who submitted the request for accommodation will meet with the Principal to review the Response Letter and, if applicable, the Case Management Plan in an attempt to resolve the conflict.

Where the person(s) who submitted the request for accommodation are not satisfied with the Response Letter and, if applicable, the Case Management Plan after reviewing it with the Principal, they may apply in writing to the Superintendent for a review of the process followed.

The request for a procedural review must include:

- The original request letter
- All documents/materials which were submitted with the original request
- The most recent version of the Response Letter and, if applicable, the Case Management Plan developed by the Principal
- The basis for the request for review and which specific aspects of the Response Letter and, if applicable, the Case Management Plan are in dispute

The Superintendent will be responsible for reviewing all information and may meet or contact any involved parties. The Superintendent's review will be based on the Case Management Process being followed and whether pertinent legal requirements were fulfilled. Once the review has been completed the Superintendent will notify all parties in writing regarding the results of the review.

When the review process is completed and there is no resolution to the conflict, the person(s) who submitted the request can make a final appeal to the Board of Directors of the School. This should be made in writing to the Chair of the Board and should come within 14 days following the completion of the Superintendent's report.

The request for review must include:

- The original request letter
- All documents/materials which were submitted with the original request
- The most recent version of the Response Letter and, if applicable, the Case Management Plan developed by the Principal
- The basis for the request for review and which specific aspects of the Response Letter and, if applicable, the Case Management Plan are in dispute
- The Superintendent's Review Letter

The Chair of the Board shall communicate in writing the decision of the Board of Directors of the School to the person(s) making the appeal, with copies to the Principal and the Superintendent.