

FTR Now

Ontario Human Rights Commission Releases New Inquiry Report on Post-Secondary Student Mental Health Accommodations

Date: June 13, 2017

The Ontario Human Rights Commission (Commission) has released an Inquiry Report regarding its inquiry into the systemic barriers facing post-secondary students with mental health disabilities entitled “With Learning in Mind.” Find out more about the Commission’s initiative and its impact on Colleges and Universities in this *FTR Now*.

Background on the Inquiry Report

Released on June 9, 2017, the [Inquiry Report](#) details the engagement of the Commission with various post secondary institutions over the past year.

The Inquiry Report notes that in recent years, post-secondary institutions have received record numbers of accommodation requests. While post-secondary institutions are working hard at making their educational services accessible, the Commission believes that systemic barriers still exist for students with mental health disabilities.

In 2016, the Commission wrote to colleges and universities across Ontario and asked them to implement six measures to assist students with mental disabilities in accessing education. The six measures were:

1. Eliminate mandatory requirements for students to disclose diagnosis to obtain accommodations
2. Provide interim accommodations to students prior to receipt of medical documentation
3. Accommodate temporary mental health disabilities
4. Consider retroactive accommodations where appropriate
5. Provide accommodations through a centralised, confidential process that does not require students to seek accommodation directly from their instructors
6. Implement clear communications and train staff and faculty about mental health.

The Commission’s Inquiry Report indicates that most of the post-secondary institutions either fully implemented the six measures or were in the process of doing so. Several post-secondary institutions reported that they were still working to implement the removal of mandatory diagnosis disclosure, but all institutions confirmed that they were committed to doing so.

As a result of its work, the Commission indicates in the Inquiry Report that it has remaining concerns regarding post-secondary institutions continuing to request medical documentation to obtain interim accommodations, refusing to accept medical documentation from medical practitioners other than the students' family physician or specialist, and emphasizing the importance of "self advocacy" in the accommodation process. The Commission notes that these matters continue to raise challenges for students seeking accommodations, especially when considered in concert with the shortage of physicians and the difficulty in obtaining specialists appointment.

Next Steps

The Inquiry Report does not suggest that the Commission take any further steps with respect to its inquiry into the delivery of education by post-secondary institutions. However, institutions can expect that it will continue to monitor the progress in this sector and specifically be interested in the areas of remaining concern it has identified.

Should you have any questions regarding the Inquiry Report, the implementation of the Commission's six measures or the accommodation of students, please contact [Kathryn Bird](#) at [416.864.7353](tel:416.864.7353) or [your regular Hicks Morley lawyer](#).

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