

Studying with a Functional Impairment Protocol

Subtitle: Studying with a Support Requirement – Avans

University of Applied Sciences

Introduction:

Before you is the Studying with a Functional Impairment Protocol. This is an implementation protocol for the current policy described in the Disability and Study Policy Plan. In the context of alignment with recent developments surrounding Diversity and Inclusion, and the signing by Avans of the ECIO declaration of intent in 2020, some changes have been applied to the protocol. The content of the measures made available to students by Avans University of Applied Sciences has not changed, but the terminology has, so that it better reflects the current vision on inclusive education. 'Studying with a Functional Impairment' becomes 'Studying with a Support Requirement'. In line with that change, the terminology in this protocol has been amended. The name of this protocol has not yet been changed, because the current policy has not yet been amended. The name of the protocol can only be changed when the current policy is amended.

In recent years, the protocol has been occasionally updated. The history of this can be found below.

Studying with a Functional Impairment Protocol:

2009: adoption of protocol by Executive Board
2015: revision of protocol by Student Counsellors' Office
2018: revision of protocol by Student Counsellors' Office
2023: revision of protocol by Student Counsellors' Office

Disability and Study Policy Plan:

2011: drafted by Student Counsellors' Office
2018: revision by Student Counsellors' Office.

Contents

Introduction	4
2. Target group: students with a support requirement	4
3. Basic principles of the protocol	5
4. Procedure	5
4.1 Information for current and prospective students	5
4.2 Exploratory interview with the student counsellor	6
4.3 Provision and delivery of facilities	7
4.4 Mentoring and evaluation during the study	8
4.5 Case file management	8
5. Funding	9
Appendices	10

Introduction

Approximately 15% of all students in Dutch higher education have a functional impairment and face obstacles in their studies (ECIO, September 2022). It is in the interest of this large group of students that appropriate arrangements are made on how they can be guided and facilitated by Avans University of Applied Sciences so that they can successfully complete their studies.

In addition, legal frameworks require universities of applied sciences to take adequate measures. These include the Dutch Higher Education and Research Act (WHW) and the Equal Treatment (Disability or Chronic Illness) Act (WGBh/cz).

The aim of this Studying with a Support Requirement Protocol is to provide insight into the support facilities that Avans University of Applied Sciences can offer its students with a functional impairment, for whom they are intended and how they can be applied for.

1. Objective of this protocol

Avans University of Applied Sciences wants students with a support requirement to have equal opportunities to graduate. This is achieved by increasing the accessibility of education and minimising the risk of delays in study progress for students with a functional impairment.

Having an unambiguous procedure provides all staff and students with clarity concerning the procedures that apply, the support that Avans University of Applied Sciences can offer and the way in which this can be obtained.

2. Target group: students with a support requirement

Students with a support requirement are students with functional impairments such as physical disabilities, chronic illnesses, mental disabilities or other disorders that may affect study progress.

Examples of these include visual, auditory and motor disabilities, language-related disorders (dyslexia), severe difficulty with arithmetic (dyscalculia), problems with speech, stamina, memory/concentration and organ functions, phobias, depression, epilepsy, rheumatism, M.E., chronic RSI, severe migraines, autistic spectrum disorders, PDD-NOS and ADD/ADHD. A support requirement can be temporary or long-term. The nature and severity of the impediment/functional impairment can vary from person to person, as can the impact that the impediment has on study progress. For this reason, the temporary or long-term support or facilities the student needs are always assessed in consultation with the individual student.

Students with carer responsibilities and students who have completed their prior education in another country (and another language) and are taking a Dutch-language study programme at Avans can also invoke this protocol.

The impediment must have been diagnosed by a doctor or medical specialist or on behalf of

an accredited body. The student must submit this declaration in writing.

3. Basic principles of the protocol

- Equality before the law for students with and without a functional impairment (see Appendix 1: Legislation and Regulations)
- Joint involvement and responsibility of students and educational institutions
- The final competences set by the programme are binding for obtaining a diploma
- In the educational pathway to graduation, adjustments are made based on the student's needs, with the student acting as an expert by virtue of experience
- What the student can do – rather than what they cannot do – forms the starting point for finding appropriate support facilities, including bespoke support facilities
- When choosing a particular solution, the student's limitations are the decisive factor
- Failure to make effective provision, including bespoke provision, can only be justified if such provision places a 'disproportionate burden' on the educational institution¹. For an explanation of the term 'disproportionate burden', see Appendix 5.

4. Procedure

4.1 Information for current and prospective students

It is important for current and prospective students with a functional impairment to know what support facilities are available at Avans University of Applied Sciences, and who they can contact

¹ In line with the Equal Treatment (Disability or Chronic Illness) Act (see Appendix 1); case law concerning the interpretation of the term 'disproportionate burden' is built up through rulings of the Dutch Equal Treatment Commission (*Commissie Gelijke Behandeling*).

to request them. Prospective students should also receive information about the feasibility of the study programme.

Prospective students are informed about the possibilities in connection with studying with a functional impairment at Avans University of Applied Sciences in ways including open days, the Avans website and individual interviews. Students who have stated that they have a functional impairment during their intake interview are advised to make an appointment with a student counsellor.

After enrolment, students are reminded during the introduction days and in progress meetings with the study and career counsellor that they can make an appointment with the student counsellor in case of a functional impairment that may affect their study progress. When we provide information, we encourage current and prospective students with a functional impairment to do this as soon as possible.

Students who have a functional impairment are personally responsible for making an appointment with a student counsellor.

4.2 Exploratory interview with the student counsellor

The student counsellor establishes that a current or prospective student has a functional impairment on the basis of a written statement (see Section 2).

The student counsellor discusses with the current or prospective student the obstacles that may exist with regard to the study and what support and facilities may be used to prevent study delay. The current or prospective student may have a parent or carer present at this interview.

The interview with the student counsellor provides insight into the feasibility of the study, the possibilities of the student and the programme in terms of the study programme itself, the internship period and employment prospects. It also serves to determine the facilities that are appropriate and necessary for the student. This is discussed on the basis of the assessment form for studying with a support requirement (see Appendix 3).

If there are functional impairments that require adjustments to the educational facilities, and/or if there are strong doubts about the feasibility of the learning outcomes, a second meeting with a representative of the programme follows². It is also possible to have the support requirement coordinator join the first interview with the student counsellor, provided the student has no objection to this.

On the basis of discussions with the student counsellor and, if necessary, a representative of the programme, a current or prospective student gains a clear picture of the feasibility of the programme, and can decide whether to apply for the programme and/or what facilities to apply for.

² The programme appoints a staff member with whom the student counsellor can liaise; a support requirement coordinator from the programme (formerly the programme's Disability & Study contact person).

The prospective student may decide – despite a negative recommendation regarding the feasibility of the study programme – to continue with their enrolment on the study programme.

The information from the exploratory interview concerning the functional impairment will be recorded by the student counsellor in Osiris. With the student's consent, these details will also be provided to the programme's support requirement coordinator.

4.3 Provision and delivery of facilities

The student counsellor and the current or prospective student discuss which support facilities are appropriate and necessary for the student. These could be material support facilities, final examination/preliminary examination support facilities and/or educational provisions. An overview of the support facilities that can be provided at Avans University of Applied Sciences can be found in Appendix 2.

The examination board decides each year on the facilities for which the student counsellor is mandated. This mandate to the student counsellor is specified in writing by the examination board.

Bespoke support facilities

Bespoke support facilities can be applied for from the examination board after consultation with the student counsellor. The student must be able to submit relevant statements (original medical certificates) to the student counsellor with the application.

The examination board has final responsibility for providing bespoke support facilities. The student counsellor advises the examination board on the necessity and the nature of the bespoke support facilities. The student counsellor can use the Examination Board form (Appendix 4) for this purpose.

Based on the structure, content and final attainment levels of the curriculum and on the advice of the student counsellor, the examination board assesses and decides on the bespoke facilities that the programme can offer the student.

The agreements made on the mentoring, arrangements and bespoke facilities provided are recorded by the programme's examination board. The Examination Board form (Appendix 4) can be used for this purpose. If there are financial consequences to the decision, the examination board will consult on this with the cluster management.

The student counsellor receives a copy of the examination board's decision and reports any material and/or preliminary examination/final examination facilities provided in Osiris. This will also state whether a facility is provided temporarily or for the entire duration of the study.

The programme's support requirement coordinator is responsible for the implementation and communication of educational support facilities in the student's inventory form. If necessary, the student counsellor has a supporting role with regard to the student and the supervisor. The support requirement coordinator of the study programme is responsible for digitally recording the information and progress of the educational support facilities in Osiris.

The provision and implementation of facilities involves, in brief, the following steps:

- The student counsellor and the student assess the support facilities that are appropriate and necessary for the student.
- The student provides relevant statements (original medical certificates) to the student counsellor before applying for bespoke services.
- The student, in cooperation with the counsellor, submits an application for bespoke provisions to the examination board. The student counsellor advises the examination board.
- Bespoke services for which the examination board has mandated the student counsellor may be provided directly by the student counsellor.
- The examination board makes a decision on providing bespoke facilities.
- Preliminary examination/final examination facilities provided are entered in Osiris by the student counsellor. The examination board informs the student counsellor about this.
- The support requirement coordinator is responsible for the implementation and communication of the educational support facilities provided.

4.4 Mentoring and evaluation during the study

The agreements on the mentoring, arrangements and facilities provided are evaluated at the request of the student by the student counsellor together with the student. If necessary, the student counsellor takes the initiative in this. The school will be involved in this: a look ahead to further years of study in connection with internships and graduation is made.

In this way, potential bottlenecks are identified at an early stage and, if necessary, the education agreement can be adjusted by the examination board.

4.5 Case file management

The following items are recorded in the case file (Osiris):

- A copy of the medical certificate, or a confirmation of a diagnosis or treatment from a healthcare provider. To be filed by the student counsellor in Osiris.
- A report of the interviews held with the student. To be filed by the student counsellor in Osiris.
- A copy of the Examination Board's recommendation, if applicable. To be filed by the examination board of the study programme concerned.
- Overview of support facilities that have been granted. To be filed by the student counsellor in Osiris.
- Reports of evaluations held with the student, if necessary. To be filed by the student counsellor in Osiris.
- Information on and implementation of educational support facilities provided, if applicable. To be filed by the support requirements coordinator in Osiris.

5. Funding

A student with a support requirement may, in consultation with a student counsellor within a school, request an additional ten hours of individual mentoring, in addition to the regular study counselling in each academic year. The schools are advised to reserve these hours for at least 10% of their student population³. There are a number of schools with a percentage that is considerably above the average. These schools are therefore advised to reserve more hours.

³ The basic principle is that every student with a functional (support) impairment needs at least 15 minutes of additional mentoring per teaching week. Working on the basis of 40 teaching weeks in an academic year, this means that 10 additional hours (15 minutes x 40 weeks) are calculated for every student with a functional impairment. If a school has 100 students, then 10 of them (10% of the population) x 10 hours = 100 hours of additional time needs to be reserved for mentoring.

Appendices

- Appendix 1 Legislation and regulations
- Appendix 2 Overview of support facilities
- Appendix 3 Assessment form for studying with a support requirement
- Appendix 4 Examination Board Form
- Appendix 5 Explanation of the term 'disproportionate burden'

Appendix 1 Legislation and regulations

*** Higher Education and Academic Research Act (WHW)**

The Higher Education and Academic Research Act (WHW) outlines the rights of students in general, but it also includes some specific provisions on the rights of students with a functional impairment.

WHW-related rights of students in general

a. Admission (conditions of enrolment)

Enrolment at a higher education institution is open to anyone who meets the prior education requirements and admissions requirements as set out in the WHW.

(WHW, Section 7.37).

Admission to the study programme cannot be refused on the grounds of a functional impairment. This also applies in situations in which the programme department is of the opinion that the functional impairment forms an obstacle to satisfying the attainment targets/core qualifications of the study programme. Core qualifications cannot be converted or translated into admissions requirements.

b. Every enrolled student is entitled to:

- . participation in education; taking preliminary examinations;
- . access to establishments and collections belonging to the institution;
- . making use of support facilities provided for students, including the services of a student counsellor and mentoring (WHW, Section 7.34).

WHW-related rights of students with a functional impairment

a. Examination provisions

'The Education and Examination Regulations (EER) set out at least (...) the manner in which students with a physical or sensory impairment are reasonably given the opportunity to take the examinations' (WHW, Section 7.13(2)(m)).

b. Financial support

The WHW states that the institution must make provisions for financial support for students who suffer delays in their study progress due to functional impairments (WHW, Section 7.51).

Avans University of Applied Sciences has translated this passage of the law into the *Profileringfonds* (Fund for Financial Support of Students) Scheme as part of the Students' Charter.

*** Equal Treatment (Disability or Chronic Illness) Act (WGBh/cz)**

The Equal Treatment (Disability or Chronic Illness) Act (WGBh/cz) has been in force since 1 December 2003. This law stipulates the following:

- No distinction may be made (directly or indirectly) on the grounds of disability or chronic illness (when granting access to and the provision of vocational education, taking tests during the programme and completing a vocational education programme).
- The education institution is obliged to make effective adjustments if the student so requests, provided that the adjustment does not constitute a 'disproportionate burden' on the university of applied sciences or research university.

Making a direct distinction is justified in the following situations, when:

- making a distinction is necessary for the protection of health and safety
- the distinction relates to regulations, a standard or practice aimed at creating or maintaining specific support facilities for the benefit of persons with disabilities or chronic illnesses (social policy)
- the distinction relates to a specific measure aimed at giving persons with disabilities or chronic illness a privileged position (in order to eliminate or reduce actual disadvantages resulting from the disability or chronic illness) and the distinction is reasonably proportionate to that aim (positive action policy)

*** Student Finance Act (WSF)**

The Student Finance Act (WSF 2000) states that students are entitled to financial provisions in the event of suffering delays in their study progress due to circumstances beyond their control (force majeure) on the grounds of disability or chronic illness.

Financial aid for students with a functional impairment in the event of delays in study progress

- a) Right to performance-related student grant compensation
- b) Right to an additional year of student finance
- c) Right to exceed the maximum age limit
- d) Right to conversion of the entire performance-related loan under the Invalidity Insurance (Young Disabled Persons) Act (Wajong)

in the event of failure to graduate (or graduate on time)

- a) Right to extension of the diploma period
- b) Right to conversion of the entire performance-related loan into a non-repayable grant
- c) Right to new student finance when starting a new study programme

In order to be eligible for the provisions within the framework of the WSF, students must meet further conditions. Applications for the indicated financial provisions for students with a functional impairment within the framework of the WSF are always made via the student counsellor.

*** Avans University of Applied Sciences Education and Examination Regulations Framework**

The Education and Examination Regulations Framework for Avans University of Applied Sciences includes a number of passages based on the text of the WHW, WGBh/cz and WSF.

*** Objections and appeals**

If a student with a support requirement does not agree with the decision made by the examination board of the programme department, the student can invoke the objections and appeals procedure of Avans University of Applied Sciences. This objections and appeals procedure forms a part of the Students' Charter. Both documents can be found on the Avans Intranet (I-Avans).

Appendix 2 Overview of possible support facilities

The student counsellor and the current or prospective student discuss the support facilities that are appropriate and necessary for the student. Possible support facilities for students with a functional impairment include material support facilities, preliminary examination/examination support facilities and educational support facilities. The facilities are sub-divided into three categories:

Category A = present as standard at Avans University of Applied Sciences for all students

Category B = common support facilities, but which do not apply to everyone; these must be requested via the Student Counsellor's Office. The Student Counsellor's Office usually has the mandate to grant this facility.

Category C = bespoke. In consultation with the Student Counsellor's Office and the programme departments. The bespoke support facilities are provided via the examination board of the programme. Sometimes the support facilities offered is still under development.

NB: Material support facilities and preliminary examination/examination support facilities from category C can only be definitively granted following consultation with the service management department of the Facility Management & ICT Unit (DIF).

No rights may be derived from the following list.

1. Material support facilities	A	B (after recommenda tion of student counsellor)	C (after recommendatio n of student counsellor)
Provision of teaching material			
Braille (students arrange for this themselves)			X
Written teaching material	X		
Online	X		
Enlarged font on paper			X
Communication aids			
Braille printer			X
Braille keyboard			X
Participation via webcam			X
Individual sound amplification equipment			X
'Read-aloud' function (Kurzweil 3000 or Remindo)		X	
Following lectures online			X
Video presentation			X
Building/rooms/furnishings			
Modified worktop and chair (all desks and office chairs are adjustable, some electrically-adjustable desks in the Centre for Learning and Innovation (LIC))			X
Limited room changes/distances to be covered between lectures			X

date 01-11-2022
author Student
page Counsellors' Office

Concentration rooms/low-stimulus study area (in Xplora)	X		
Lift and parking access		X	

Access to toilet for disabled persons	X		
General disabled parking spaces (can only be used with disabled parking permit)		X	
2. Preliminary examination/final examination support facilities	A	B (after recommendation of student counsellor)	C (after recommendation of student counsellor)
Preliminary examinations/tests/rules			
A3 format		X	
Absence regulations/relaxing of attendance rules for practical examinations			X
Assistance (using books, searching for text during open book examinations)			X
Preliminary examinations and resits at/on favourable times/days (due to fatigue/concentration difficulties)			X
Modification of the form of the preliminary examination			X
Practical lessons available on video			X
Regular partner during practical examinations			X
Extension of time (25%) for written tests, with the exception of papers, reports and theses		X	
50% or 100% extension time in written tests			X
Taking preliminary examinations in parts			X
Exam room with no other students			X
Quiet exam room		X	
No scheduling of two tests in immediate succession			X
Earplugs (no application necessary)			
Aids during preliminary examinations			
Ability to give written examination answers in spoken form			X
'Read-aloud' function (Kurzweil 3000/Remindo)		X	
Reading aloud/explanation (of pictures/graphs, etc.) by 'buddy'			X
PC/laptop for preliminary examination		X	
Own laptop with specific programmes (can only be used in very exceptional situations)			X
Own mouse/keyboard			X
Dictionary		X	
Calculator			X
Talking globe			

3. Educational support facilities	A	B (after recommendation of student counsellor)	C (after recommendation of student counsellor)
Planning of the educational programme			
Modification of timetable/spreading of elements with compulsory attendance			X
Spreading of work placements over a longer period of time			X
Spreading of preliminary examinations			X
Bespoke programme spread over a longer period			
Additional mentoring			
Mentoring/training in assertiveness/performance anxiety/social-communication skills		X	
10 hours of additional individual mentoring in addition to the regular study counselling per academic year.			X

APPENDIX 3

Studying with a support requirement: inventory	
Student counsellor	
Date of interview	
Personal details	
Surname and initials	
First name	
Date of birth	
Street and house number	
Postcode and town/city	
Telephone number	
Mobile phone number	
Personal email address	
Avans email address	
Student ID number	
Study programme	
Orientation	
nature of the functional impairment (<i>complaints, limitations, strengths, prognosis if applicable</i>)	
date of diagnosis: diagnosis made by:	
medical certificate seen:	Yes/No
Brief description of impairments	
Study progress so far:	
prior education: how long did it take to complete? graduated?	
any special mentoring and/or support facilities? if so, what? contact person:	
school experiences: (e.g. was bullied, had friends, found it enjoyable, found it unpleasant, found it boring)	
Social situation	
living situation:	
level of independence: (what can you do yourself? what do you need help with?)	
support from people around you:	
external mentoring by:	

Inventory	
Choice of study programme	
chosen study programme: specialisation:	
study and profession test taken? choice of study programme made on the basis of: what professional future does the student have in mind?	Yes/No
participation in Introduction Days: support facilities needed?	Yes/No/Not applicable
Bottlenecks expected during the study programme	
attendance	
accessibility of the building	
physical/mental resilience	
planning and organisation of the study programme	
use of equipment	
medical emergencies requiring acute first-aid intervention	
group work/projects	
social skills, assertiveness, presentation	
understanding/lack of understanding among fellow students	
attending lectures	
provision of information e.g. <i>timetable changes, absence of lecturers due to illness</i>	
tests/preliminary examinations/final examinations	
binding study advice standard (is there any risk of study delay at the start?)	
financial aid for studying	
work placement/graduation	
general daily living activities	
other (travel,.....?)	
Allocation of facilities inventory	
Desired aids/modifications	examination board decision?
modifications in the building/teaching rooms	
adaptation of any attendance requirement	
scheduling of activities	
extension of study programme length	
modification of equipment	

substitute assignments/study components		
adaptation of mentoring for specific educational activities		
modification of tests/preliminary examinations/final examinations		
aids		
medical form for instructions to caretakers		
other:		
Implementation		
Agreements in the field of mentoring		
coordinated by: contact person for student:	Student counsellor Support requirement coordinator/study career counsellor/other	
information provided to: 0 lecturers, who, what info:		
0 fellow students, who, what info:		
Adjustments requested		
from examination board explanation:	yes/no/not necessary	
from Facility Management & ICT Unit: comments	yes/no/not necessary	
Follow-up interviews		
With student counsellor		
concerning implementation of modifications/aids		
before 1 February in connection with financial aid for studying (in propaedeutic phase)		
evaluation of the agreements made/support facilities provided		
other		
With support requirement coordinator/study career counsellor/study adviser		
Complete first-aid form and pass it on to emergency response team	in accordance with study programme schedule. Yes/No/Other:	
concluding remarks		

Appendix 4 Examination board form

Examination board form	
student counsellor	
date	
student	
Surname and initials	
First name	
Date and place of birth	
Student ID number	
Study programme	
Recommendation of student counsellor	
<i>The student counsellor recommends the following bespoke facilities for the above student in order to successfully complete the programme of study</i>	
<i>Explanation of the need for bespoke educational support facilities</i>	
Decision of examination board	
The examination board for the study programme	
date	
<i>Decision on bespoke support facilities</i>	
<i>Substantiation of bespoke facilities provided and refused</i>	
<i>The examination board is responsible for recording the decision and communicating it to those involved, or delegates this task if necessary.</i>	
Evaluation	
An evaluation with the student takes place at the initiative of the contact person for support requirements of the study programme, together with the following persons:	
<input type="checkbox"/> contact person for disability and study of the study programme	
<input type="checkbox"/> study career counsellor	
<input type="checkbox"/> student counsellor	
<input type="checkbox"/> other, namely:	

NB: Based on the decision of the examination board, the student may decide – despite a negative recommendation regarding the feasibility of the study programme – to continue with their enrolment on the study programme.

Appendix 5 The term 'disproportionate burden' in the Equal Treatment Act

Notes:

During the discussion of the bill, the following was noted: *The concept of 'disproportionate burden' includes a balancing of interests. It is not possible to determine in advance when a modification for the benefit of a student or employee with a disability is disproportionate. This will have to be assessed by the educational institution or the employer on a case-by-case basis and based on the specific circumstances. If a dispute arises concerning this assessment, this dispute may be submitted to the Netherlands Institute for Human Rights or to the courts for review. In order to provide the Netherlands Institute for Human Rights and the courts with a guideline, the explanatory memorandum describes non-exhaustive weighting factors that may play a role in assessing whether there is an equivalent alternative. The criterion of an equivalent alternative in the region will play a role in this. If there is an equivalent alternative, the burden is more likely to be disproportionate than if there were no equivalent alternative.*

Among other aspects, the Explanatory Memorandum mentions the following weighting factors: the size of the institution, costs, financial capacity, operational feasibility and the possible impairment of the interests of other participants in the educational process.