

# Studying with a Functional Impairment Protocol

Avans University of Applied Sciences

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## Introduction

Approximately 14% of all students in Dutch higher education have a functional impairment and face obstacles in their studies (2017 Studying with a functional impairment annual report from Dutch Centre for Higher Education Information CHOI). This large group of students would benefit from clear agreements concerning the way they can be mentored and supported by Avans University of Applied Sciences to enable them to complete their studies successfully.

In addition, legal frameworks require universities of applied sciences to take satisfactory measures. These include the Dutch Higher Education and Research Act (WHW) and the Equal Treatment of Disabled and Chronically Ill People Act (WGBh/cz 1 December 2003).

The object of this Studying with a Functional Impairment Protocol is to provide insight into the support facilities Avans University of Applied Sciences can offer its students with a functional impairment, for whom they are meant and how they can be applied for.

## **1 Objective of this protocol**

Avans University of Applied Sciences wants students with a functional impairment to have equal opportunities with regard to earning a degree. 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 about the procedures that apply, the support that Avans University of Applied Sciences can offer and the way in which this can be secured.

## **2 Target group: students with a functional impairment**

Students with a functional impairment are students with physical impairments, chronic illnesses, psychological disorders or other disorders that may result in delays in their study progress.

Examples of these are: visual, auditory and motor disabilities, language-related disorders (dyslexia), severe difficulty with arithmetic (dyscalculia), problems with speech, endurance, memory/concentration and organ functions, phobias, depression, epilepsy, rheumatism, M.E., chronic RSI, severe migraines, autistic spectrum disorders, PDD-NOS and ADD/ADHD.

A functional impairment can be temporary or permanent. Its nature and severity may differ from person to person, as does the impact of the functional impairment on study progress. For this reason the temporary or structural support or support facilities a student requires is always determined in consultation with the individual student.

The impairment must have been diagnosed by a doctor or medical specialist or on behalf of a certified body. The student must be able to provide a statement from one of them in writing.

### 3 Basic principles of the protocol

- Equality before the law for students with and without a functional impairment (please refer to Appendix 1 Legislation and regulations)
- Joint involvement and responsibility of students and educational institutions
- The attainment targets set by the programme are binding for obtaining a diploma
- In the course of study leading towards obtaining a diploma, adjustments can be made based on the needs of the student, whereby the student acts 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 tailored facilities
- When choosing a particular solution, the student's limitations are the decisive factor
- Failure to provide an effective support facility – standard or tailored – can only be justified if such a support facility would constitute a 'disproportionate burden' on the educational institution<sup>1</sup>. For an explanation of the term 'disproportionate burden' see Appendix 6.

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<sup>1</sup> In line with Wgbh/cz (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).

## **4 Assessment process**

### **4.1 Information for current and prospective students**

It is important for current and prospective students with a functional impairment to know which support facilities are available at Avans University of Applied Sciences and whom they can contact to request them. Prospective students also need information about the feasibility of the study programme.

Avans provides prospective students with detailed information about studying with a functional impairment at Avans University of Applied Sciences through means including Open days, its website and personal interviews. Students who have stated that they have a functional impairment during their intake interview are recommended to make an appointment with a student counsellor.

After their enrolment they are again informed of the possibility to see a student counsellor if they have a functional impairment that might impact their study progress. They receive this information during freshers' week and in progress interviews with their study development counsellor. 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 getting in touch 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 this student which obstacles they might face with respect to studying and what kinds of support or facilities would help prevent delays in their study progress. The current or prospective student is allowed to have a parent or carer present at this interview.

The interview with the student counsellor provides insight into the feasibility of the study programme, what is possible on the part of the student and the study programme department with regard to the study progress within the study programme itself, the work placement period and the employment prospects. It also serves to determine which facilities are suitable and necessary for the student. This is discussed on the basis of the Assessment form for studying with a functional impairment (see Appendix 3).

A second interview, this time with a representative of the study programme<sup>2</sup>, will take place in the case of functional impairments that give rise to adjustments in the educational support facilities and/or strong doubts about the feasibility of attainment targets. It is also possible to

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<sup>2</sup> The study programme department appoints an employee whom the student counsellor can contact; this will generally be the Disability & Study contact person within the department or the first-year coordinator.

have the study programme representative at the first interview with the student counsellor, provided the student has no objection to this.

The interviews with the student counsellor, and, if needed, a representative of the study programme, present the current or prospective student with a clear picture regarding the feasibility of the study programme. This enables the current or prospective student to decide whether or not to apply for the study programme and/or support facilities.

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 about the functional impairment will be recorded in Osiris by the student counsellor. With the student's permission, these details will also be provided to the contact person for Disability and Study of the study programme.

### **4.3 Provision and actualisation of support facilities**

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

Every year, the examination board establishes for which support facilities the student counsellor is mandated. This mandate to the student counsellor is specified in writing by the examination board.

#### *Tailored support facilities*

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

The examination board is ultimately responsible for awarding tailored support facilities. The student counsellor advises the examination board about the necessity and nature of tailored support facilities. For this purpose, the student counsellor can use the Form for recommendation to examination board (Appendix 4).

Based on the structure, content and attainment targets of the curriculum and based on the recommendations of the student counsellor, the examination board assesses which tailored support facilities the study programme can offer the student.

The agreements made about awarded counselling, schemes and tailored support facilities are recorded by the examination board of the study programme. For this purpose, the examination board can use the Educational agreement for studying with a functional impairment form (Appendix 5).

The educational agreement is signed by the School Board, as they are responsible for any financial consequences of the agreement.

The student counsellor receives a copy of the decision of the School Board/examination board and records the material and/or preliminary examination/examination support facilities awarded in Osiris. This entry also details whether facilities have been awarded for a limited period of time or for the duration of the entire programme.

The contact person for Disability and Study from the study programme department is responsible for the communication about and actualisation of the educational support facilities in the educational agreement of the student. If necessary, the student counsellor has a supporting role with regard to the student and the mentor.

The contact person for Disability and Study from the study programme department is responsible for digitally recording the information and progress of the educational support facilities in Osiris.

Provision and actualisation of support facilities involves completing the following steps:

- The student counsellor and student assess which support facilities are suitable and necessary for the student.
- The student submits relevant statements (original medical statements) to the student counsellor for the request for tailored support facilities.
- The student submits a request for tailored support facilities to the examination board. The student counsellor will advise the examination board.
- Tailored support facilities for which the student counsellor has received a mandate from the examination board can be awarded directly by the student counsellor.
- The examination board decides about awarding any tailored support facilities.
- Preliminary examination/examination support facilities are recorded in Osiris by the student counsellor. The examination board informs the student counsellor about this.
- The Disability and Study coordinator is responsible for the communication about and actualisation of the educational support facilities.

#### **4.4 Mentoring and evaluation during the study programme**

The agreements on the mentoring, arrangements and support facilities provided are evaluated at the request of the student by the student counsellor together with the student. The student counsellor may initiate this evaluation if necessary. The school is involved in this, looking at the future years of the programme in relation to the work placement and graduation.

This enables early identification of possible bottlenecks and, if necessary, adjustment of the educational agreement by the examination board.



#### **4.5 Documentation**

- A copy of the medical certificate or document confirming the diagnosis or treatment from a health-care provider. To be filed in Osiris by the student counsellor.
- A report of the interviews held with the student. To be filed in Osiris by the student counsellor.
- A copy of the Educational agreement if applicable. To be filed by the examination board of the study programme concerned.
- Recording which support facilities have been granted. To be filed in Osiris by the student counsellor.
- Reports of evaluations held with the student if applicable. To be filed in Osiris by the student counsellor.
- Recording information on educational provisions granted and their actualisation if applicable. To be filed in Osiris by the contact person for Disability and Study.

### **5 Funding**

Every student with a functional impairment can make use of 10 hours of extra individual mentoring within a school in addition to the regular study counselling per academic year, after consulting a student counsellor. The schools are advised to reserve these hours for at least 10% of their student population<sup>3</sup>. There are a number of schools with a percentage well above the average. These schools are therefore advised to reserve more hours.

### **6 Protocol quality assurance**

In order to be able to guarantee the quality of this protocol, a sounding board group will meet every year to evaluate the state of affairs regarding studying with a functional impairment. Adjustments following the evaluation will be included in the protocol. The sounding board group consists of employees of schools; the Marketing, Communication and Student Relations Unit (DMCS); the Facility Management & ICT Unit (DIF) and the Centre for Learning and Innovation (LIC).

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<sup>3</sup> The basic principle is that every student with a functional impairment needs at least 15 minutes of extra mentoring per teaching week. Working on the basis of 40 teaching weeks in an academic year, this means that 10 extra 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 extra 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 functional impairment
Appendix 4	Form for recommendation to examination board
Appendix 5	Educational agreement for studying with a functional impairment
Appendix 6	Explanation of the term 'disproportionate burden'

## **Appendix 1 Legislation and regulations**

### **\* DUTCH HIGHER EDUCATION AND RESEARCH ACT (WHW)**

The Dutch Higher Education and Research Act (WHW) states the rights of students in general, but also contains a number of specific provisions regarding 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, Article 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 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:*

- . participate in education; take examinations;
- . access to organisations and collections belonging to the institution;
- . make use of support facilities provided for students; including the services of a student counsellor and mentoring (WHW, article 7.34).

#### WHW-related rights of students with a functional impairment

##### *a. Preliminary examination support facilities*

'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 preliminary examinations' (WHW, article 7.13, paragraph 2, sub m).

##### *b. Financial support*

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

Avans University of Applied Sciences has translated this passage of the law into the Profileringsfonds Scheme as part of the Students' Charter.

**\* Wgbh/cz**

The Dutch Equal Treatment of Disabled and Chronically Ill People 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 higher 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 research university or university of applied sciences.

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

- making a distinction is necessary for the protection of safety and health
- 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 illnesses 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)

**\* DUTCH 2000 STUDENT FINANCE ACT (WSF)**

The Dutch 2000 Student Finance Act (WSF 2000) stipulates 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 functional impairments in the event of delays in study progress

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

Financial aid for students with functional impairments in the event of not graduating (or not graduating within the time limit)

- 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 financial aid for studying again 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.

**\* Framework EER of Avans University of Applied Sciences**

The Framework EER for Avans University of Applied Sciences includes a number of passages based on the text of the WHW, Wgbh/cz and WSF.

**\* Objection and appeal**

If a student with a functional impairment does not agree with the educational agreement drawn up by the examination board of the programme department, the student can invoke the objections and appeals procedure of Avans University of Applied Sciences. These procedures form part of the Students' Charter. Both documents can be found on the Avans Intranet (iAvans).

## Appendix 2 Overview of support facilities

The student counsellor and current or prospective student discuss which support facilities are suitable and necessary for the student. Support facilities potentially granted to students with a functional impairment include material support facilities, preliminary examination/examination support facilities and educational provisions. The support facilities are divided into 3 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  
 Category C = tailored in consultation with the Student Counsellor's Office and the programme departments. The tailored support facilities are allocated via the programme departments. Sometimes the support facilities offer is still under development.
- Note: Material support facilities and preliminary examination/examination support facilities from category C can only be granted definitively 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 recom- mendation of student counsellor)	C (after recom- mendation of student counsellor)
<b>Provision of teaching material</b>			
Braille (student arranges for this themselves)			X
Lecture notes	X		
Digital (CD-ROM/network/internet)	X		
Audio and video recording			X
Colour contrast (display)	X		
A clear layout	X		
Enlarged font on paper			X
<b>Communication tools</b>			
Screen magnification		X	
Braille printer			X
Braille keyboard			X
Participation via webcam			X
Individual sound amplification equipment			X
Kurzweil 3000/Readspeaker + Scanning		X	
Lecture broadcast live on the internet (streaming video)			X
Video presentation			X

<b>Building / rooms / set-up</b>			
Modified worktop and chair (all desks and office chairs are adjustable, LIC has some electrically-adjustable desks)		X (Xplora)	X
Limited room changes/distances to be covered between lectures			X
Quiet areas (for better concentration) / low stimulus study area		X	
Individual study room (for video/audio material)	X		
Adapted/additional lighting			X
Locker (at suitable height)		X	
Access to lift	X (B/TB) <sup>4</sup>	X (DB)	
Access to toilet for disabled persons	X*		
Audio induction loop	X (large lecture halls)		X
Resting area		X	
Accessible/modified room/lecture hall	X*		
Accessible, modified study space/multimedia library	X		
General disabled parking spaces		X	
<b>2. Preliminary examination/Examination support facilities</b>	<b>A</b>	<b>B</b> (after recommendation of student counsellor)	<b>C</b> (after recommendation of student counsellor)
<b>Preliminary examinations/tests/rules</b>			
A3 format		X	
Absence regulations/relaxing of attendance rules for practicals			X
Assistance (using books, searching for text during open book examinations)			X
Lecturer with whom student feels at ease in assessments			X
Orally describing actions that you cannot perform yourself			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

<sup>4</sup> Only the goods lift can be used from the Tilburg underground car park

\* With the exception of the temporary rooms in 's-Hertogenbosch

Practical lessons available on video			X
Fixed partner during practicals			X
Extension of time for written tests, with the exception of papers, reports and theses		X	
Extension of deadlines for papers/theses			X
Taking the preliminary examination exam a separate room where you can relax at intervals (U-classroom)			X
Taking preliminary examinations in parts			X
Not counting spelling errors and/or grammatical errors when grading			X
<b>Use of aids during preliminary examinations</b>			
Giving answers using a computer/laptop with adequate spelling correction software			X
Giving answers in a written preliminary examination by speaking into a voice recorder			X
Computer/speech synthesis (Kurzweil 3000/Readspeaker)		X	
Interviews/skills on video			X
Assignment presented clear font, font size 12, line distance 1.5, with a clear layout	X		
Suitable use of colour/contrast	X		
Reading aloud/explanation by buddy (of pictures/graphs, etc.)			X
MP3/CD player for preliminary examination questions			X
Computer/laptop for preliminary examination questions		X	
Dictionary		X	
Calculator			X
<b>3. Educational support facilities</b>	<b>A</b>	<b>B (after recom- mendation of student counsellor)</b>	<b>C (after recom- mendation of student counsellor)</b>
<b>Planning of the educational programme</b>			
Absence regulations/relaxing of attendance rules			X
Modification of timetable/spreading of elements with compulsory attendance			X
Clustering lessons			X
Spreading/planning modules			X
Study group meetings on/at favourable			X



days/times			
Periodic, structural progress interviews			X
Spreading of teaching days			X
Spreading of compulsory lectures			X
Spreading of work placements over a longer period of time			X
Spreading of preliminary examinations			X
Spreading of submission dates			X
Working in small groups			X
<b>Extra mentoring</b>			
Mentoring/training in assertiveness/dealing with fear of failure/social and communication skills (Student Counsellor's Office)		X	
10 hours of extra individual mentoring within a school in addition to the regular study counselling per academic year.			X

<b>Study groups/presentations</b>			
Alternative assignment instead of study group assignment			X
Demonstrating competencies relating to group work in an alternative way			X
Presentation in small group			X
Submission of voice-recorded assignments			X
Participation in limited number of assignments/study groups			X
Performing/submitting assignment in parts			X
Spreading of submission dates for papers			X
Spreading of presentations/study group meetings			X

**Appendix 3 Assessment form for studying with a functional impairment**

Student counsellor:

Date of interview:

<b>Personal particulars</b>	
Surname + initials of first names	
First name generally used	
Date of birth	
Street + house number	
Postcode + town/city	
Telephone number	
Mobile phone number	
E-mail address (personal)	
E-mail address (Avans)	
Student ID number	
Study programme	
<b>Exploration</b>	
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 limitations	
<b>Study progress so far:</b>	
prior education: How long did it take to complete? Diploma gained?	
Any special guidance/mentoring and/or support facilities? If so, what? Contact person:	
School experiences: (e.g. was bullied, had friends, enjoyed it, found it unpleasant, found it boring)	
<b>Social situation</b>	
living situation:	
level of independence: (What can you do yourself? What do you need help with?)	
support from people around you:	
external mentoring by:	

<b>Inventory</b>	
<b>Choice of study programme</b>	
chosen study programme: specialisation:	
study test and vocational field test done? choice of study programme made on the basis of: what professional future does the student have in mind?	Yes/No
Participation in Fresher's Week: support facilities needed?	yes / no / n/a
<b>Bottlenecks expected during the study programme</b>	
attendance	
accessibility of the building	
resilience (physical / mental)	
planning and organisation of the study programme	
use of equipment	
group work / projects	
social skills, assertiveness, presenting	
understanding/lack of understanding among fellow students	
attending lectures	
provision of information <i>e.g. regarding timetable changes, absence of lecturers due to illness</i>	
tests, preliminary examinations and other examinations	
binding study recommendation (BSR) standard (is there a risk of suffering delays in study progress delay from the start?)	
financial aid for studying	
work placement / graduation	
ADL (activities of daily living)	
other (travel, .....?)	
<b>Desired aids / modifications</b>	
modifications in the building / teaching rooms	
adaptation of any attendance requirement	
scheduling of activities	
extension of study programme length	
equipment modification	
substitute assignments / study components	
adaptation of mentoring in specific educational activities	

modification of tests, preliminary examinations and other examinations	
aids	
other:	
<b>Realisation of requirements</b>	
<b>Agreements in the area of mentoring</b>	
coordinated by: contact person for student:	student counsellor Disability & Study coordinator / SLB (study development counsellor) / other
information provided to: 0 lecturers, who, which info:  0 fellow students, who, which info:	
<b>Modifications requested</b> from the examination board explanation:	yes / no / not necessary
from the Facility Management & ICT Unit (DIF): explanation:	yes / no / not necessary
<b>Follow-up interviews</b>	
<b>With student counsellor</b>	
regarding realisation of modifications / tools	
before 1 February in connection with financial aid for studying (in propaedeutic phase)	
evaluation of the agreements made / support facilities provided	
other	
<b>Disability &amp; Study coordinator / SLB (study development counsellor)</b>	in accordance with study programme schedule. Yes/no other:
concluding remarks	

**Appendix 4 Form for recommendation to examination board**

**Advice from the student counsellor to the examination board regarding support facilities**

- A) Student:  
Student ID number:  
Date and place of birth:
- B) Student counsellor:
- C) Study programme:

The student counsellor advises that the above-mentioned student requires the following tailored educational support facilities in their study programme in order to successfully complete the programme:

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Explanation of the need for tailored educational support facilities:

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Date:

Once the above recommendation has been granted and recorded, the student counsellor will receive a copy of the educational agreement for studying with a functional impairment.

*PLEASE NOTE: 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 Educational agreement for studying with a functional impairment**

### **Educational agreement for studying with a functional impairment**

The persons mentioned below agree as follows:

- A) Student :  
Date and place of birth :  
Student ID number :  
Study programme :  
Diagnosis :

- B) Name of chair of examination board:

On the basis of statutory regulations and Avans policy regarding studying with a functional impairment, the student is entitled to the following tailored support facilities in the following situations (for an overview, see Appendix 2 from the Studying with a Functional Impairment Protocol)

For all educational activities:

Theory/lectures:

Practicals:

Projects/study groups/study assignments:

Work placement:

The following study components:

### **Period of validity of the agreement**

This agreement is valid (subject to interim amendments) for the period indicated below:

- 0 the entire duration of the student's study programme
- 0 the whole academic year .....
- 0 the period from ..... to .....

### **Evaluation of the agreement**

Agreements recorded in this agreement document are evaluated in the time frame indicated below:

- every block in the programme
- every six months
- every academic year

An evaluation with the student takes place at the initiative of the contact person for Disability and Study of the study programme, together with the following persons:

- contact person for Disability and Study of the study programme
- study development counsellor
- student counsellor
- other, namely:

Town/city :  
Date :

Student :  
(Signature)

On behalf of the examination board:  
(Signature)

On behalf of the School Board:  
(Signature)



## **Appendix 6 The term 'disproportionate burden' in the Dutch Equal Treatment Act**

### Explanation

During the discussion of the bill, the following was noted: *The concept of 'disproportionate burden' contains 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 about 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 Human Rights Institute and the court 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.*

Amongst 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 parties in the educational process.