

Guidelines for Accommodations for Postgraduate Learners with a Disability

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1) Background

Postgraduate learners with disabilities are entitled to the same opportunities and benefits as those without disabilities. In some circumstances, those with disabilities may require short or long-term accommodation to enable them to participate in their training. Accommodation is a legal obligation and the goal of any accommodation plan is to allow equal opportunity to benefit from and participate in services, education, or the workplace. Reasonable accommodation may require members of the University community to exercise creativity and flexibility in responding to the needs of postgraduate learners with disabilities. However, such accommodation cannot compromise health and safety requirements. Regardless of accommodations provided, all postgraduate learners must meet their program's essential requirements as informed by the Royal College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada.

The following guidelines are informed by the Ontario Human Rights Commission's *Policy on accessible education for students with disabilities* (2018).

2) Purpose

The purpose of this document is to establish principles and procedures regarding accommodations for postgraduate learners with disabilities to assist such postgraduate learners to meet the essential requirements and competencies of their respective programs.

Accommodations must be based on recommendations from The Office of Learner Affairs (OLA); this office will confidentially store the learner's personal health information and keep an official record of accommodations. Alternative administrative or clinical arrangements may be implemented by programs on an interim basis if immediate action is required for learner or patient safety purposes. If such interim accommodations are applied, the learner must still be referred to OLA to ensure that the processes in this document are followed.

3) Scope

This Accommodations Guideline applies to all individuals with disabilities (defined below) who: have been accepted into a PGME residency training program or clinical fellowship training program or are currently registered in one.

4) Definitions and Key Concepts

A. Disability

“Disability” is defined by the Ontario Human Rights Code as covering a broad range and degree of conditions that may have been present from birth, caused by an accident, or developed over time. It includes both visible and invisible disabilities, including physical, mental, and learning disabilities, mental disorders, hearing or vision disabilities, environmental sensitivities, and other conditions.

B. Accommodation

Accommodations are reasonable adjustments to learning and working requirements that are necessary to address barriers and allow for equal access, opportunity, and benefits for people with disabilities.

Accommodations are not an advantage. Accommodations allow learners to demonstrate the essential competencies and requirements of their training. Accommodations remove participation barriers but do not alter the essential academic requirements and competencies that a postgraduate learner must meet for their program. Where it has been determined that a requirement, rule or standard adversely affects a learner with a disability, the University has a duty to accommodate. However, learners are not entitled to a specific or preferred accommodation; rather, the duty is to provide reasonable accommodation to the point of undue hardship.

C. Undue Hardship

The University of Toronto has a duty to provide accommodations to postgraduate learners to the point of undue hardship. The following factors are considered in assessing undue hardship: cost of the accommodation, outside sources of funding (if any), and health and safety requirements. These include requirements for the health and safety of patients, learners, colleagues, supervisors, or any other members of the health care team.

D. Essential Requirements

Appropriate accommodations will allow for full integration and participation for learners with a disability without lowering “bona fide academic requirements”. “Bona fide academic requirements” are essential requirements, duties, and competencies that the learner must demonstrate to be eligible for admission, progress through training, and graduation from their program. The way that a learner demonstrates these skills may be altered depending on the competency requirement, and up to the point of undue hardship. Training may be extended, depending on the accommodation, to allow learners to meet their program's essential requirements and competencies.

5) Confidentiality

Where a postgraduate learner’s personal health information (e.g., the functional limitations associated with the disability) is shared with the OLA, it will be treated confidentially. Only the accommodation plan – which includes only information about the approved accommodations, not the underlying medical or

functional information – will be shared with the appropriate Program Director, who may subsequently share it with those individuals necessary to facilitating its implementation. The individuals who “need to know” to facilitate implementation will be determined on an individual case-by-case basis; they may include, but are not limited to, the Assistant/Associate Program Directors, Program Administrators/Coordinators, Direct Supervisors, anyone acting as delegate of these individuals, and those involved in scheduling.

In most cases, medical information beyond functional limitations associated with a disability is not required to be disclosed to create an accommodation plan. In some cases, where the learner’s needs are complex, challenging, or unclear, more information may be requested if it is directly related to the accommodation being sought.

Personal health information (such as medical documentation from an appropriate medical provider) is stored in a locked cabinet at OLA and/or on a secure confidential server that can be accessed only by authorized staff subject to confidentiality obligations.

6) Health and Safety

When considering and making accommodation decisions, the health and safety of the learner, other health care providers and colleagues, patients and other members of the public, as appropriate, are of primary importance.

7) Process

A. Initial Meeting

All learners who require or want to explore accommodations will meet with the PGME Accessibility Advisor (PGAA). This meeting may include the Director/Associate Director of PGLA and/or Associate Dean, OLA, at the discretion of the PGAA. If the Program Director (or designate) is aware that alternate administrative or clinical arrangements are urgently needed (e.g., there are safety concerns or immediate health-related needs) given the best information available, they may implement these on an interim basis while the learner is waiting to meet with OLA.

The PGAA or delegate will speak to the learner about their current situation, discuss details of the request, and provide support in navigating the next steps of collecting medical documentation and information. Next steps may also include consulting with the learner’s program and/or with the learner’s appropriate medical provider (with consent).

B. Collaboration

Determining reasonable accommodations can be an iterative process. It is a shared responsibility and requires ongoing collaboration between the learner, the OLA team, and the program, for successful and timely implementation. An appropriate medical provider will also provide important information to guide and support accommodation requests.

C. Documentation

Learners are not required to disclose a diagnosis to OLA staff to receive support. Instead, a qualified medical provider can provide a letter in support of accommodations by referring to the presence of a

disability and detailing its functional impact. If the learner requesting accommodations is in the process of assessment, or if they are having difficulty obtaining documentation in a timely way for other reasons, interim accommodations may be considered if appropriate and based on the best information available. Declining to provide necessary information may affect the University's ability to process or respond to the request.

The following are guidelines for provision of medical documentation:

- Professional letterhead
- Signature of medical provider whose scope of practice includes the relevant disability and who is licensed to make a diagnosis.
 - Regulated medical professionals include, but are not limited to: Family Physician, Psychiatrist, Psychologist, Audiologist, and other qualified specialists.
- Confirmation of a permanent or temporary disability
- Functional impact of the condition
- Recommended accommodations as related to functional impact
- Duration of the recommendation

D. The Accommodation Plan

The accommodation plan will list the approved accommodations that address the functional impact experienced by the learner up to the point of undue hardship, as supported by medical documentation (or pending medical documentation). The accommodation plan will also consider health and safety requirements and the bona fide/essential requirements of the program. The most appropriate approved accommodation may not be the specific accommodation requested by the learner, as learners are not necessarily entitled to their preferred form of accommodation. This plan is a living document that may be modified if new barriers are experienced, learner needs fluctuate, or program requirements/circumstances change.

E. Communication of Plan

The approved, individualized accommodation plan will be communicated to the Program Director. The Program Director is required to have a copy of any accommodations to training that are implemented. OLA and the Program Director will also communicate the accommodation plan to those who need to know to facilitate the implementation of accommodations. Learners will be informed as to whom the accommodation plan has been communicated. Learners may request support from the PGAA, Director/Associate Director of PGLA/Associate Dean, OLA and/or the Program Director to communicate accommodations to other relevant parties.

F. Plan Review

Once the accommodation plan is sent to the Program Director, further communication between the learner, the PGAA/Director/Associate Director of PGLA/Associate Dean, OLA, and the program may be required to support implementation.

It is the responsibility of the learner to communicate to OLA the following:

- If a temporary accommodation needs to be extended
- If there is any change to the functional impact of a permanent disability

- If an accommodation is not being implemented correctly

The program, learner, and/or OLA may initiate a revisiting of accommodations for these reasons and/or if there is a change to the program that may affect the implementation of accommodations. Additional medical documentation may be required when making changes or extending accommodation plans. It is a shared responsibility between the program, the learner, and OLA, to perform a timely review of accommodation plans when needed.

G. Role of the Learner in the Accommodations Process

- Self-identify to the University and initiate communication to the best of their ability, as soon as possible (e.g., upon matching to a training program).
- Answer questions and provide required documentation about relevant limitations or restrictions, including information from medical professionals.
- Take part in discussions about possible accommodation solutions.
- Meet essential requirements once accommodation is provided.
- Work with education provider/OLA PGLA to manage the accommodation process.
- Promptly advise education provider/OLA PGLA of any required extensions to accommodations, or problems with arranged accommodations.

H. Role of OLA PGLA Staff (Accessibility Advisor and Director/Associate Director of PGLA/Associate Dean, OLA)

- Request and review relevant information to determine the functional impact/ access barriers underlying the request for accommodation.
- Collaboratively determine appropriate accommodations that allow learner participation without lowering the program's vital and essential requirements.
- Ensure due process (investigate solutions, maintain confidentiality, keep record of the request and actions taken).
- Support faculty and staff in assessing and meeting their legal obligation to accommodate.

I. Role of the Program (Program Director, Site Director, etc.)

- Articulate what the learner **must** demonstrate re: knowledge and skills (essential competencies).
- Facilitate accommodation implementation.
- Appropriate and timely communication to those involved in implementation.
- Maintain confidentiality.
- Foster a positive culture around disability accommodations.

J. Denial of Request

An iterative process occurs to ensure that each accommodation plan is appropriate. It may not include the specific accommodation requested or the learner's preferred accommodation, but will be individualized to the learner's disability-related functional impact and the program's essential requirements.

If a learner wishes to challenge the denial of a request for accommodation, or is dissatisfied with the

accommodation plan created, the decision will be communicated to the learner in writing along with reasons. The case will also generally be referred to the Board of Medical Assessors-PG (BMA) for independent review and further advice.

The Terms of Reference (ToR) for the Postgraduate Board of Medical Assessors (BMA) are attached as **Appendix 1**.

Postgraduate trainees will be referred by the PGAA to the Program Director/Associate Director of PGLA/Associate Dean, OLA to understand and initiate the Board of Medical Assessors referral process. Recommendations of the Postgraduate Board of Medical Assessors will be considered by the Dean through the Associate Dean, Postgraduate Medical Education, who will determine the outcome and communicate it to the learner.

K. Resident with a Communicable Disease

Accommodations for residents who have been identified with a communicable disease are reviewed by the Faculty's Expert Panel on Infection Control. The Panel reviews the procedures the learner will perform according to the level of risk for blood borne pathogen transmission as outlined in the Society for Healthcare Epidemiology of America (SHEA) *Guideline for Management of Healthcare Workers Who Are Infected with Hepatitis B Virus, Hepatitis C Virus, and/or Human Immunodeficiency Virus*, March 2010. Program Directors and the Office of Learner Affairs are involved in the Panel's discussion of rotation service and call modification required to accommodate.