

 <b>DALHOUSIE UNIVERSITY</b> <i>Inspiring Minds</i>  <b>Postgraduate Medical Trainee Academic Accommodation Policy</b>	Faculty of Medicine Council	<i>Approval Date:</i> 2 January 2018
	Postgraduate Medical Education Committee	<i>Approval Date:</i> 2 November 2017

**A. Background & Purpose**

Under provincial human rights legislation, the Faculty of Medicine at Dalhousie University is required to allow equal benefit from and participation in services and education for Dalhousie residents and fellows who are experiencing a barrier due to a characteristic protected by the applicable provincial human rights legislation. Accommodations are intended to reduce or eliminate these barriers so that those residents and fellows can meet the academic and technical standards for certification and independent practice. In doing so, accommodations must not compromise patient safety and well-being or lower the academic standards of postgraduate medical education at Dalhousie University.

The responsibility for making reasonable accommodations is shared. While the responsibility is always shared by the Faculty of Medicine and the Trainee, depending on the accommodation sought, the responsibility may also be shared by the Training Site. The accommodation process is to be approached with fairness, sensitivity, respect for confidentiality, and cooperation.

The purpose of this Policy is to affirm that the Faculty of Medicine will make reasonable efforts to provide accommodations, up to the point of undue hardship, for Trainees experiencing barriers due to a characteristic protected by human rights legislation, and to establish a framework for managing requests by Trainees for accommodation in an appropriate and timely manner.

**B. Application**

This Policy applies to all Trainees who have been accepted into or are currently enrolled in a Program at Dalhousie University.

**C. Definitions**

1. In this Policy:

- a. "Assistant Dean" means the Assistant Dean, Resident Affairs of Dalhousie University's Faculty of Medicine.
- b. "Essential Skills and Abilities" means the Program-specific proficiencies that all candidates for admission, promotion or graduation in the Trainee's Program must meet to successfully demonstrate the required competencies (including those with respect to knowledge, skills, professional behaviours and attitudes) necessary to practice their area of medicine in Canada. The Essential Skills and Abilities are set out in each program's essential skills and abilities policy based on the PGME template attached as Appendix A.
- c. "Faculty Appeal Committee" means the Faculty Appeal Committee established under PGME's Appeal and Reconsideration Regulations.
- d. "PGME" means the postgraduate medical education unit at Dalhousie University.
- e. "PGME Office" means the Associate Dean of PGME or their designate.
- f. "PGME Activity" means all activities included within a Trainee's Program.
- g. "Program" means a postgraduate medical education training program at Dalhousie University. For clarity this excludes hospital based clinical fellows not registered with Dalhousie University.
- h. "Program Director" means the director of the Trainee's Program.
- i. "Trainee" means a resident, fellow or learner, who has been accepted into or is enrolled in a Program within Dalhousie University's Faculty of Medicine.
- j. "Training Site" means the site within Dalhousie University or an affiliated health authority or family practice teaching sites where a Trainee is pursuing their Program.

**D. Policy**

1. Dalhousie University's Faculty of Medicine is committed to ensuring that Trainees who experience barriers to participation in PGME Activities due to a characteristic protected under human rights legislation have access to the educational and learning environment and to the University facilities and services by reasonably accommodating them up to the point of undue hardship.
2. Trainees are encouraged to seek accommodation where they believe that they are experiencing a barrier to participation in a PGME Activity due to a characteristic protected under human rights legislation, which may be reduced or eliminated through reasonable accommodation. It is the Trainee's responsibility to make such requests in a timely and proactive fashion.
3. The search for a reasonable accommodation is a multi-party inquiry that, depending on the accommodation sought, may include the Assistant Dean, the Program Director, the PGME

Office, the Trainee, the Training Site, and other relevant bodies.

4. Each accommodation request must be determined on a case-by-case basis.
5. Whether reasonable accommodation is possible without reaching the point of undue hardship will be determined by taking into account relevant factors, including:
  - a. Accommodation sought;
  - b. Length of time the proposed accommodation will be required;
  - c. Link between the proposed accommodation and the identified barrier it seeks to eliminate or reduce;
  - d. Patient health and safety concerns;
  - e. Size and nature of the Trainee's Program and the impact of the proposed accommodation thereon;
  - f. Impact on Trainee's capacity to meet the Essential Skills and Abilities (Trainee must be able to fulfill his/her duties and meet the Essential Skills and Abilities after being accommodated);
  - g. Impact on other Trainees and other learners;
  - h. Impact on members of health care teams, hospital personnel and service users;
  - i. Impact on other protected rights;
  - j. Financial costs of the accommodation; and
  - k. Other possible accommodations.
6. The Assistant Dean and Program Director will decide what accommodation will be provided.
7. In weighing the factors set out in paragraph 5 and also when implementing an accommodation decision, it may be necessary to share the Trainee's personal information, including personal health information, on a *need to know and confidential basis* with individuals involved in assessing the accommodation sought or in implementing the accommodation.
8. Accommodation decisions will be reviewed by the Assistant Dean and Program Director on a regular basis and adjusted to the Trainee's then current circumstances as necessary.
9. A Trainee must inform the Assistant Dean and Program Director when there is a change in his/her circumstances that may affect the need for an accommodation, the ability to provide an accommodation, and the accommodation provided.
10. If a Trainee disagrees with the accommodation decision, he/she should attempt to resolve the matter through informal discussions with the Assistant Dean and Program Director. If that does not resolve the Trainee's objection, the Trainee may appeal the decision to the Faculty Appeal Committee.

#### **E. Administrative Structure**

1. Authority: This Policy is sponsored by and falls under the authority of the Dean of the Faculty Medicine.
2. Postgraduate Medical Education: Postgraduate Medical Education is the unit responsible for the administration of this Policy.

3. Policy Review: This Policy will be reviewed in accordance with Dalhousie's Policy on Policies or earlier if deemed necessary by the Dean of the Faculty of Medicine.

## **F. Procedures**

1. Notice of Policy: Trainees will be made aware of the existence of this Policy through the following means:
  - a. this Policy will be posted on the PGME website;
  - b. the letter of Agreement sent out by PGME to the Trainee will refer to the policy and advise Trainees where they can access it.
  - c. during orientation sessions for new Trainees prior to the commencement of their Programs, Trainees will be advised of this Policy; and
  - d. Program Directors, the PGME Office, and the Assistant Dean will refer Trainees to this Policy when consulted by Trainees on accommodation matters or when they have reason to believe that a Trainee may require an accommodation.
2. Request for Accommodation:
  - a. A request for accommodation shall be made in one of the following ways:
    - i. In the course of completing the registration package after being selected to a Program, a Trainee may indicate a need for accommodation and make contact with the Program Director;
    - ii. In the course of residency training, a Trainee may disclose information to the Program Director indicating their belief that an accommodation is required; or
    - iii. In the course of completing the registration package or in the course of residency training, where the accommodation is based on a perceived disability, the Trainee may, instead of requesting an accommodation from the Program Director, contact the Assistant Dean to request an accommodation – note that once received, an accommodation request will be considered by both the Assistant Dean and the Program Director.
  - b. When making a request for accommodation, a Trainee shall provide a complete description of the requested accommodation with any relevant supporting documentation. A Trainee shall also disclose if a request for accommodation has been submitted to a Training Site.
3. Preliminary Assessment: The Assistant Dean and Program Director will make a preliminary assessment of the request for accommodation to determine the nature of the barrier experienced by the Trainee and the connection of that barrier to a characteristic protected under human rights legislation. If additional information is required to complete the preliminary assessment, the Trainee will be asked to provide such information. If both a barrier and a connection between that barrier and a characteristic protected under human rights legislation cannot be established, then the request shall be denied. If a barrier and a connection are established, the request for accommodation will be considered further.
4. Consultation and Decision Where Request is to be Considered Further: Having regard to the

factors set out in section D.5., and following consultation, as appropriate to the circumstances, with:

- a. the PGME Office;
- b. the Trainee;
- c. any involved outside parties, including the Training Site; and
- d. other individuals the Assistant Dean and the Program Director deems appropriate.

The Assistant Dean and the Program Director will decide what, if any, reasonable accommodation will be provided. They will then determine how the accommodation to be provided will be implemented. An accommodation team may be created to assist in developing and/or implementing an accommodation where a workplace accommodation is required. In such cases, any accommodation offered must be consistent with the procedures and policies of any relevant Training Site.

5. Notification of Accommodation Decision: The Assistant Dean and Program Director will notify the Trainee and the PGME Office in writing of whether or not the request for an accommodation is granted. Where the request is granted, the notice will specify the accommodation to be provided and will include details around the implementation of the accommodation, the duration of the accommodation, and the frequency of review of the accommodation. At the discretion of the PGME Office, details of the accommodation will be provided to the Training Site and others who need that information for purposes of implementing the accommodation.
6. Objection to Accommodation Decision: If a Trainee disagrees with the accommodation decision, the Trainee must first attempt to resolve the matter through informal discussions with the Assistant Dean and the Program Director.
7. Appeal of Accommodation Decision: If the Trainee's objection cannot be resolved, the Trainee may appeal the decision to the Faculty Appeals Committee by notifying the Associate Dean of PGME in writing of his/her intention to appeal within 10 working days of the date that the accommodation decision is communicated to the Trainee. Any such appeal will be in accordance with the Faculty of Medicine's Appeal and Reconsideration Regulations.
8. Change in Circumstances: If the Trainee's circumstances change in a way that may affect any aspect of an accommodation (including but not limited to the need for an accommodation and the accommodation provided), he/she will promptly notify the Assistant Dean and Program Director. The Trainee will also respond to all inquiries for information related to the accommodation within 10 working days.
9. Licensing Examinations: Trainees will be responsible for arranging any and all accommodations required for certification exams directly with the Royal College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada and LMCC examinations with the Medical Council of Canada.
10. Filing of Accommodation-Related Materials: A copy of all confidential records of all information regarding accommodation, including the nature of the accommodation, the dates of implementation, and any subsequent modification to the original accommodation will be kept secured in paper and/or electronic form in the Assistant Dean's office and in the Trainee's file in the PGME Office.