



UNIVERSITY OF CALGARY

Operating Standard

Departmental Process
Instructions/Forms

POSTGRADUATE MEDICAL EDUCATION Postgraduate Medical Learner Accommodation Process

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- Purpose**
- 1 This Process outlines how to request, evaluate, document, and manage Accommodations for Medical Learners under the *Alberta Human Rights Act*. This Process:
 - a) defines potential Accommodations in the PGME Training Program which balance the objectives of enabling Medical Learners to complete their training and meaningfully participate in the medical profession while safeguarding Patient Care, Safety and Well-Being; and
 - b) sets out the CSM’s expectations for the accommodation process in respect of Medical Learners who are experiencing barriers related to a Protected Ground.
- Scope**
- 2 This Process describes how Medical Learners may seek an Accommodation during their PGME Training Program at the CSM at the University of Calgary.
- Definitions and Interpretation**
- 3 In this Process:
 - a) “Accommodation” means providing support to access services, courses, courses of study, programs or training, making exemptions to any regulations, policies, standards or practices, or making modifications to physical environments to the extent necessary to address discrimination against, or barriers, to a Medical Learner based on any Protected Ground.

- b) “Accommodation Assessment Committee” means the body established in accordance with section 4.13.
- c) “Accommodation Plan” means the plan for a Reasonable Accommodation developed by the Accommodation Assessment Committee in response to the Medical Learner’s request for Accommodation and in accordance with this Process. The Accommodation Plan may include documentation of additional supports and services that may be provided to the Medical Learner.
- d) “Act” means the *Alberta Human Rights Act* in force at the relevant time.
- e) “AHS” means Alberta Health Services.
- f) “Appointee” means a physician with an appointment to the CSM.
- g) “Assessment Meeting” means the meeting between the Medical Learner and the Accommodation Assessment Committee to review the Medical Learner’s request for Accommodation, supporting documentation, and potential Accommodation options.
- h) “Senior Associate Dean, Education” means the Senior Associate Dean, Education of the CSM at the University.
- i) “Associate Dean, PGME” means the Associate Dean of PGME at the CSM at the University.
- j) “*Bona Fide* Requirements” means those specific skills, abilities, duties, or practices that are necessary to meet the admission, progression and graduation requirements that are essential to maintain the academic integrity of a course, course of study, or program, including the requirements for Medical Learners to acquire and demonstrate Essential Skills and Abilities related to program objectives, learning outcomes, and any professional licensing requirements.
- k) “Business Days” means days that the University is open for business, excluding weekends and holiday closures.
- l) “CFPC” means the College of Family Physicians of Canada.
- m) “CPSA” means the College of Physicians and Surgeons of Alberta.
- n) “CSM” means the Cumming School of Medicine at the University.
- o) “Disability” means any degree of physical disability or mental disability as defined and interpreted pursuant to the Act, regardless of cause or duration.
- p) “Essential Skills and Abilities” means the program-specific proficiencies that all candidates for admission, promotion, and graduation in the Medical Learner’s PGME Training Program must meet to successfully demonstrate the required competencies (including knowledge, skills, and professionalism) necessary to practice their area of medicine in Canada, as more specifically set out in each PGME Training Program’s essential skills and abilities policy.

- q) “Fellow” means a physician registered in a PGME Training Program who has completed a core residency program who is pursuing a sub-specialty training.
- r) “Medical Learner” refers to Residents and Fellows participating in a PGME Training Program.
- s) “Patient Care, Safety and Well-Being” means the standard and quality of care necessary to ensure patients’ physical, mental and emotional wellness. Patient Care, Safety and Well-Being is achieved when the risk of unnecessary harm is reduced to an acceptable minimum. An acceptable minimum refers to the collective notions thereof given current knowledge, resources available and the context in which care was delivered weighed against the risk of non-treatment or other treatment.
- t) “PGME” means Postgraduate Medical Education at the CSM.
- u) “PGME Training Program” means any of CSM’s clinical and non-clinical programs of study which require a Resident to be registered in the RCPSC or CFPC accredited training programs and which require the Resident to complete a Placement, and may require an Instructor to participate in the Placement.
- v) “Policy” means the Student Accommodation Policy of the University.
- w) “Process” means the Postgraduate Medical Learner Accommodations Process described in this document.
- x) “Program Director” means the Appointee responsible for the overall conduct of the PGME Training Program in a discipline.
- y) “Placement” means the practicum placement of a Resident with AHS for the purpose of fulfilling the practical component of the PGME Training Program.
- z) “Protected Grounds” means the grounds listed in Section 7 of the Act as they are defined and interpreted pursuant to the Act, including:
 - i. race;
 - ii. religious beliefs;
 - iii. colour;
 - iv. gender;
 - v. gender identity;
 - vi. gender expression;
 - vii. physical disability;
 - viii. mental disability;
 - ix. age;

- x. ancestry;
 - xi. place of origin;
 - xii. marital status;
 - xiii. source of income;
 - xiv. family status; and
 - xv. sexual orientation.
- aa) “RCPSC” means the Royal College of Physicians and Surgeons of Canada, the body responsible for accreditation, examination and Resident certification for RCPSC programs.
- bb) “Reasonable Accommodation” means an accommodation of a Protected Ground that does not create an Undue Hardship for the CSM, the University or AHS.
- cc) “Resident” means a physician registered in a PGME Training Program that is administered by the CSM and leads to RCPSC or CFPC certification.
- dd) “Undue Hardship” means the legal standard where a proposed Accommodation: would create unreasonable hardship for the CSM, the University or AHS; would compromise Patient Care, Safety and Well-Being; would have a non-trivial impact on other Medical Learners, members of health care teams, hospital personnel, AHS employees and operations, or service users; or is not reconcilable with a *Bona Fide* Requirement.
- ee) “University” means the University of Calgary.

Process

4 Requesting Accommodation

- 4.1** Medical Learners requesting an Accommodation on the basis of a Protected Ground must submit a completed Request for Accommodation Form in the manner set out in the Request for Accommodation Form and provide documentation to support their request, as set out in sections 4.3 and 4.8 to 4.11. Email to: pgmeaccom@ucalgary.ca
- 4.2** Medical Learners must notify the Associate Dean, PGME as soon as possible to avoid delays in assessing and arranging Accommodation. Individuals who know that they will require an Accommodation should contact the Associate Dean, PGME when they receive their offer of admission to a PGME Training Program.
- 4.3** Medical Learners requesting Accommodation must:
- a) identify the Protected Ground that gives rise to the need for an Accommodation;
 - b) provide details on the nature of the Accommodation requested;

- c) provide all information and documentation reasonably necessary to support the Accommodation request, including where requested by the Accommodation Assessment Committee or otherwise required pursuant to this Process;
- d) participate and cooperate in the process of assessing and determining a Reasonable Accommodation, including obtaining supporting documentation; and
- e) meet any *Bona Fide* Requirements.

4.4 Requests for Accommodation are confidential. Medical Learner information, including the request for Accommodation and supporting documentation, are provided to the Associate Dean, PGME and the Medical Learner's Program Director or the Accommodation Assessment Committee, as applicable depending on the nature of the request for Accommodation, and are otherwise shared only where necessary to evaluate the request or on a need-to-know basis, or with the Medical Learner's consent. Similarly, Accommodations Plans are confidential and are provided to the Associate Dean, PGME and the Medical Learner's Program Director and are otherwise shared only as necessary to implement the Accommodation Plan or on a need-to-know basis, or with the Medical Learner's consent.

4.5 Notwithstanding that requests for Accommodation are confidential, the CSM will report the request for Accommodation to the CPSA where required to do so by the CPSA's Standards of Practice, Rules and Regulations in circumstances where the Medical Learner has refused or failed to self-report.

4.6 Further, and notwithstanding that requests for Accommodation are confidential, the CSM will report the request for Accommodation to AHS where necessary to assess a request for Accommodation or for other purposes that are reasonable.

4.7 Medical Learners may be required to take a leave of absence while a request for Accommodation is considered.

Supporting Documentation

4.8 Medical Learners requesting an Accommodation on the basis of the Protected Ground of Disability will be required to provide all relevant documentation supporting the request for an Accommodation as soon as reasonably possible. Supporting documentation must:

- a) either be in English or have attached to the original documentation and an English translation of the documentation certified by a qualified translator;
- b) confirm the rationale for seeking an Accommodation;
- c) be a member of a regulated profession as defined under the *Health Professions Act*;

- d) include the health professional's name, title, contact information, and be on official letterhead with original signature;
- e) include the date(s) of assessment;
- f) include a statement on the nature of the Disability and the care plan including any medications and the impact of not following the care plan;
- g) explain the impact of the Disability on the Medical Learner's participation and performance in their PGME Training Program, including any impact on Patient Care, Safety and Well-Being; and
- h) make recommendations for Accommodations including a rationale linking the recommended Accommodation(s) to the Disability.

4.9 The Accommodation Assessment Committee may request additional information if the Accommodation Assessment Committee determines, in its sole discretion, that such additional information is reasonably necessary to assess the Accommodation request.

4.10 Where applicable, Medical Learners requesting an Accommodation may be required to provide their consent for the disclosure by the CPSA or AHS of any wellness assessments conducted by or on behalf of the CPSA or AHS, or other information that may be relevant to the assessment of the request for Accommodation.

4.11 Medical Learners are responsible for any costs associated with providing documentation, including documentation requested by the Accommodation Assessment Committee, in support of a request for Accommodation. In circumstances where a physical or mental assessment of the Medical Learner is requested by the Accommodation Assessment Committee, and the Medical Learner agrees to undergo such assessment, a cost-sharing arrangement will be discussed and agreed upon in advance.

Assessment of the Accommodation Request

4.12 Upon receiving a request for Accommodation and depending on the nature and scope of the request, the Associate Dean, PGME will:

- a) direct that the request for Accommodation be provided to the Medical Learner's Program Director for implementation; or
- b) direct that an Accommodation Assessment Committee be constituted to assess the request for Accommodation in accordance with sections 4.13 to 4.24.

4.13 The Accommodation Assessment Committee will consist of either:

- a) three Appointees who are not directly or substantially involved with the Medical Learner's PGME Training Program; or

- b) two Appointees who are not directly or substantially involved with the Medical Learner's PGME Training Program and an *ad hoc* committee member who is a representative from AHS.

4.14 One member of the Accommodation Assessment Committee will be designated to serve as the Committee Chair. For this Process, the Committee Chair:

- a) will conduct the Assessment Meeting in a manner that the Committee Chair considers fair and reasonable; and
- b) may make decisions including, but not limited to, addressing pre-Assessment Meeting requests by the Medical Learner. Such decisions of the Committee Chair are final.

4.15 A PGME administrator will contact the Medical Learner to schedule the Assessment Meeting as well as address any additional requests for information in support of the request for Accommodation or which is otherwise determined by the Committee Chair to be reasonably necessary for the assessment of the request for Accommodation.

4.16 At the Assessment Meeting, the Accommodation Assessment Committee will engage with the Medical Learner in a discussion sufficient to provide the Accommodation Assessment Committee with enough details to assess the request for Accommodation and determine a Reasonable Accommodation.

4.17 Assessment Meetings are held in private. If the Medical Learner seeks to have a support person present at the Assessment Meeting, they must make a written request to the Committee Chair at least five (5) Business Days in advance of the Assessment Meeting. The written request for a support person must include the identity of the support person and an explanation as to why the support person is necessary. It is in the sole discretion of the Committee Chair whether a support person will be permitted to attend the Assessment Meeting. Regardless of whether a support person is permitted to attend the Assessment Meeting, the Medical Learner is expected to speak on their own behalf. The Committee Chair's decision to allow or deny a Medical Learner to have a support person present at the Assessment Meeting is final.

4.18 The Accommodation Assessment Committee may request further information from the Medical Learner and may consult with subject matter experts, either internal or external to the University, including representatives from the Medical Learner's PGME Training Program, the CPSA, and AHS when assessing the request for Accommodation.

4.19 Compliance with this Process does not guarantee that an Accommodation will be granted.

4.20 Medical Learners who received an Accommodation at a prior educational institution, including the University, are not guaranteed an Accommodation.

- 4.21** Medical Learners needing an Accommodation are entitled to a Reasonable Accommodation, not a perfect Accommodation or the particular Accommodation requested.
- 4.22** Identifying a Reasonable Accommodation is a shared responsibility between the Medical Learner and the Accommodation Assessment Committee. Reasonable Accommodations will be determined on a case-by-case basis in accordance with this Process.
- 4.23** Whether a Reasonable Accommodation exists will be determined by taking into account relevant factors, including:
- a) the nature and extent of the requested Accommodation;
 - b) the length of time the proposed Accommodation will be required;
 - c) the link between the proposed Accommodation and the identified barrier it seeks to eliminate or reduce;
 - d) whether the existence of the Protected Ground or the request for Accommodation presents a non-trivial risk to Patient Care, Safety and Well-Being that cannot be managed by a Reasonable Accommodation;
 - e) the Medical Learner's PGME Training Program and the impact of the proposed Accommodation on it;
 - f) whether the Medical Learner will be unable to meet the Essential Skills and Abilities and all *Bona Fide* Requirements;
 - g) any reasonable and non-trivial negative impact on other Medical Learners or Appointees;
 - h) any reasonable and non-trivial impact on members of health care teams, hospital personnel, AHS employees and operations, and service users;
 - i) the potential for the requested Accommodation to cause Undue Hardship to the CSM, the University or AHS;
 - j) CPSA's Standards of Practice, Rules and Procedures;
 - k) any impact on other Protected Grounds; and
 - l) any financial costs of the Accommodation to the CSM, the University or AHS.
- 4.24** Following the Assessment Meeting if the Accommodation Assessment Committee determines that a Reasonable Accommodation exists and is appropriate in the circumstances, the Accommodation Assessment Committee will prepare an Accommodation Plan and provide it to the Medical Learner and the Associate Dean, PGME. If the Accommodation Assessment Committee is unable to identify a Reasonable Accommodation, the Accommodation Assessment Committee will provide written reasons for that decision to the Medical Learner and

the Associate Dean, PGME.

- 4.25** The Medical Learner must provide the Accommodation Plan to their Program Director within ten (10) Business Days of receipt.
- 4.26** The Associate Dean, PGME will provide the Accommodation Plan to AHS where appropriate.
- 4.27** The operation of an Accommodation Plan may be delayed or suspended where necessary so that it may be appropriately implemented or to avoid disruption to a PGME Training Program. A Medical Learner may be required to take a leave of absence until the Accommodation Plan is implemented in accordance with the PGME Leave of Absence Policy.
- 4.28** Where a Medical Learner fails or refuses to comply with an Accommodation Plan, or in the event that a Reasonable Accommodation cannot be identified, the following outcomes may occur:
- a) the Medical Learner may be required to take a leave of absence in accordance with the PGME Leave of Absence Policy;
 - b) the Medical Learner may be required to withdraw from their PGME Training Program; and/or
 - c) such other outcomes where determined to be appropriate in the circumstances.

Review of the Accommodation Plan

- 4.29** A Medical Learner who has been denied a request for Accommodation or has concerns about the Reasonable Accommodation identified in their Accommodation Plan should first discuss their concerns the Committee Chair.
- 4.30** If, following the discussion referred to in 4.29, the Medical Learner disagrees with the Accommodation Plan or the denial of their request for Accommodation, the Medical Learner may, within ten (10) Business Days of receiving the Accommodation Plan or written reasons for denial, submit the Accommodation Plan or denial to the Senior Associate Dean, Education for review by the Senior Associate Dean, Education or their delegate.
- 4.31** The request for a review of the Accommodation Plan or denial must:
- a) be in writing;
 - b) include all of the information and documentation provided to the Accommodation Assessment Committee; and
 - c) set out the reasons as to why the Accommodation Plan or denial should be reviewed.

- 4.32** The Senior Associate Dean, Education (or their delegate) may receive representations from the Medical Learner or the Accommodation Assessment Committee members regarding the Accommodation Plan or denial.
- 4.33** The Senior Associate Dean, Education (or their delegate) may seek further information from or consult with subject matter experts, either internal or external to the University, including representatives from the Medical Learner's PGME Training Program, the CPSA and AHS when completing their review.
- 4.34** The Senior Associate Dean, Education (or their delegate) may confirm, vary or reverse the Accommodation Plan or denial.
- 4.35** A decision made by the Senior Associate Dean, Education (or their delegate) in accordance with this Process is final and not appealable at the University.

Responsibilities 5

Medical Learners

- 5.1** Medical Learners will be made aware of the existence of the Policy and this Process through the following means:
- a) the Policy and this Process will be posted on the PGME website;
 - b) the Policy and this Process will be discussed during orientation sessions for new Medical Learners prior to the commencement of their PGME Training Programs;
 - c) Program Directors and the Associate Dean, PGME will refer Medical Learners to the Policy and this Process when consulted by Medical Learners on Accommodation matters or when they have reason to believe a Medical Learner may require an Accommodation.
- 5.2** Medical Learners who experience barriers to accessing courses, courses of study, programs, resources and other services offered as part of a PGME Training Program due to a Protected Ground, which barriers may be reduced or eliminated through a Reasonable Accommodation, must seek Accommodation as soon as is reasonably possible in accordance with the terms of the Policy and this Process.
- 5.3** It is the Medical Learner's responsibility to take steps to receive a Reasonable Accommodation in a timely and proactive manner. The failure of a Medical Learner to request an Accommodation where a need was known, or ought reasonably to have been known, by the Medical Learner is not an explanation for performance deficiencies or a ground of appeal for any appeal submitted by the Medical Learners pursuant to the PGME Resident Appeals Policy.
- 5.4** It is the Medical Learner's responsibility to provide complete and accurate information in support of a request for Accommodation.

5.5 Medical Learners must:

- a) become familiar with their rights and responsibilities under the Policy and this Process;
- b) cooperate in determining a Reasonable Accommodation;
- c) comply with any Reasonable Accommodation plan requirements, including as described in an Accommodation Plan;
- d) report any change in their condition or circumstances to the Associate Dean, PGME if the change may precipitate changes to their Accommodation Plan;
- e) if not otherwise addressed in the Accommodation Plan, inform their Program Director and the Associate Dean, PGME immediately when the need for an Accommodation ends.

Program Directors

5.6 All Program Directors will:

- a) respond to Medical Learners' requests for Accommodation in accordance with the Policy and this Process;
- b) work with the Medical Learner requesting an Accommodation, the Accommodation Assessment Committee, and the Associate Dean, PGME to support and facilitate Reasonable Accommodations; and
- c) comply with the terms of any Accommodation Plan.

Timelines

5.7 Where no specific timeline is indicated within this Process, efforts should be made to proceed with the Process steps as soon as are reasonably practicable.

Instructions/ Forms	6	Request for Accommodation Form
Related Policies and Procedures	7	Privacy Policy Student Accommodation Policy PGME Leave of Absence Policy
History	8	Approved by PGME Committee: May 20, 2020 Effective: June 1, 2020 Approved by SEC: June 14, 2021