

Guidelines for Accommodations for Postgraduate Trainees with a Disability

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Purpose

The purpose of this document is to establish principles and procedures regarding accommodation for postgraduate trainees with a disability to assist such postgraduate trainees to meet the essential requirements and competencies of their respective programs.

Scope

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

Definitions and Key Concepts

1. Disability: The Ontario *Human Rights Code* (the “Code”) defines “disability” to mean:

- a. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- b. a condition of mental impairment or a developmental disability,
- c. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- d. a mental disorder, or an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

2. Accommodation and Appropriate Medical Documentation and Information

Accommodations are reasonable adjustments to the learning and working environment that permit people with disabilities to have equitable opportunities to succeed, and to access equal benefits of education. They are not an advantage. Accommodations serve to remove the barriers to achievement as a result of a disability but do not alter the essential academic requirements and competencies that a postgraduate trainee is required to meet.

Reasonable accommodation may require members of the University community to exercise creativity and flexibility in responding to the needs of postgraduate trainees with disabilities. However, such accommodation cannot compromise the core competencies of the Program of study, and in also cannot compromise the health and safety of the trainee, the patients or other members of the health care team.

Accommodations are a shared responsibility and require the cooperation of the individual and institution (i.e. hospitals, clinics, family health teams etc.) throughout the process to determine what kinds of accommodations, if any, are reasonable and necessary in the circumstances. It may require the disclosure of medical documentation (as particularized below) and information by the individual seeking accommodations at the time the initial request is made and throughout the process. We only require documentation and information from the individual’s treating physician(s) that will assist in determining appropriate accommodations and developing an individual accommodation plan for the individual. It must be current, clear and credible. We do not require disclosure of an individual’s specific diagnoses or treatments undertaken but rather the limitations arising from the disability.

3. Undue Hardship

The University of Toronto has a duty to provide accommodations to postgraduate trainees to the point of undue hardship. The following factors are considered in assessing undue hardship:

- cost of the accommodation
- outside sources of funding; or
- health and safety risks to the trainee, patients, colleagues or supervisors, or any other members of the health care team.

Guiding Principles

1. Confidentiality

Where a postgraduate trainee's personal health information (i.e. the functional limitations associated with the disability) is shared with the Director/Associate Director Postgraduate Wellness Office ("PWO"), it will be treated confidentially and will only be shared with the Program Director and other individuals involved in the accommodation process on a "need to know" basis in order to facilitate the accommodation. Personal health information is stored in a locked cabinet in the PWO, and/or on a secure confidential server that can be accessed only by authorized staff subject to confidentiality obligations.

Only the functional limitations and required accommodations, and NOT the nature of the disability, need to be disclosed to the Program Director—and only as necessary to implement the accommodations.

All leaves of absence, including those arising from a disability, will be reported to the College of Physicians and Surgeons in accordance with applicable legislation, which may require disclosure of the reasons for the leave.

2. Essential Competencies

Accommodations serve to remove the barriers to achievement as a result of the disability but do not alter the essential academic requirements and competencies that a postgraduate trainee is required to meet.

3. Procedural Consistency

Processes involved in determining accommodations should be consistent across University of Toronto Postgraduate programs.

4. Abilities

The focus of accommodations and related policy/procedures should be on the abilities, essential skills and competencies a trainee with a disability needs to acquire and demonstrate

in order to provide safe and effective clinical patient care. These abilities, essential skills and competencies, and the resources required to accommodate, may differ across the continuum of education and practice, but there should be as much alignment as possible between UGME, PGME and into clinical practice.

5. Health and Safety

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

6. Shared Responsibility

Accommodations are a shared responsibility. It is the responsibility of the trainee to request accommodation, if needed, and to cooperate throughout the process to determine what kinds of accommodations, if any, are reasonable and necessary in the circumstances. It may require the disclosure of appropriate medical documentation (as detailed below) and information from the individual's treating physician(s) at the time the initial request is made and throughout the process to ensure it is clear, current and credible. It is the Program/University/training site's responsibility to respond and cooperate with the request in good faith and in accordance with the Code and University policy to determine what kinds of accommodations, if any, are reasonable and necessary in the circumstances.

Processes:

All trainees are informed of the process for obtaining accommodations in a statement appended to the letter of offer, and in an email sent to all trainees at the start of each academic year. This Accessibility Guideline is also available on the University's website.

Requesting accommodation:

If a trainee requires an accommodation, the request must be submitted in writing to the Director/Associate Director, PWO at pgwellness@utoronto.ca along with appropriate medical documentation and information (without disclosing the disability, but rather the limitations associated with the disability), so that the accommodation request can be assessed. All documents relating to the request will be centralized in the PWO.

A trainee can also indicate on the Learner Education Handover document that they had an accommodation in undergraduate medicine training program and request the opportunity to discuss with the Director/Associate Director, PWO. If the Program Director receives a request for accommodation, it will be referred to the Director/Associate Director, PWO.

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If the possible need for an accommodation is identified by someone other than the learner (ex. originates from a supervisor) the Director/Associate Director, PWO will contact the learner to confirm the request for accommodation or whether additional information or processes (ex. Board of Medical Assessors, etc) are appropriate.

After accommodation has been requested:

After a request has been made, the individual will be invited to meet with the Director/Associate Director, PWO to discuss the details of the request, answer questions and determine whether additional medical or other documentation and information is required. Alternatively, additional medical or other documentation and information may be requested in advance of the meeting to ensure the meeting is as productive as possible. Failure to produce it may affect the University's ability to process and/or respond to the request.

Where an individual who has requested accommodation is waiting to be assessed by a health practitioner, the PWO will consider whether interim reasonable accommodation is appropriate based on the best information available.

After the meeting:

After the initial meeting, next steps will be determined on a case-by-case basis. There will generally need to be a dialogue between the PWO and the Program Director of the relevant Program, or a designated specialty specific expert, to arrive at appropriate accommodations.

If accommodation is granted, the Director/Associate Director, PWO will develop an individualized accommodation plan and review it with the learner. The nature of the accommodation offered may not be the specific accommodation requested and learners are not necessarily entitled to their preferred form of accommodation.

Alternatively, it may be determined that additional medical or other documentation and information is still required or accommodation is not possible.

Accommodation plans:

If an accommodation plan is approved, it is shared with the program director. Any other disclosure of accommodation is done on a need to know basis for the purposes of implementation. The learner is expected to share all relevant parts of the plan to the preceptors to support implementation. Also, the Director/Associate Director, PWO and Program Director are available to provide support to the learner to ensure implementation.

Accommodation plans only remain in place so long as the need exists. Interval reports may be periodically required from treating health care practitioners and accommodation plans should be reviewed regularly to ensure consistency between the accommodation needs of the postgraduate trainee and requirements of the program. If the disability no longer exists or the

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learner's functional limitations change, the accommodation plan may no longer be necessary or may require revision. In this regard, it is the learner's continuing obligation to provide updated medical or other appropriate documentation and information to the Director/Associate Director, PWO as it becomes available. Every accommodation must be reviewed with the Director/Associate Director, PWO and the learner at least once every 6 months, or sooner, if the accommodation plan requires or the need arises.

Denial of request

If the request for accommodation is denied, the decision will be communicated to the learner in writing along with reasons for the refusal.

If a learner wishes to challenge the denial of a request for accommodation, or is dissatisfied with the accommodation offered, the case will generally be referred to the Board of Medical Assessors-PG for independent review.

The Terms of Reference for the Postgraduate Board of Medical Assessors are attached as Appendix 1. Postgraduate trainees will be referred to the Director/Associate Director, PWO to understand and initiate the 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.

Review of Accessibility Guideline

Subject to applicable legislation, this Accessibility Guideline will be reviewed every three years. Questions can be directed to the Director, Postgraduate Wellness Office

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Appendix 1: Board of Medical Assessors Terms of Reference

<https://pg.postmd.utoronto.ca/wp-content/uploads/2016/05/BMA-Terms-of-Reference.pdf>