

NOSM University Accommodations Committee

Approval Authority: Senate

Established: April 7, 2022

Amendments: None

Category: N/A

1.0 Purpose

Under the Ontario Human Rights Code (Code), NOSM University's Human Rights and Anti-Harassment/ Discrimination Policy and the Accessibility for Ontarians with Disabilities Act (AODA), organizations are required to prevent and remove barriers and provide accommodation to learners with the right to reasonable academic accommodations including in the clinical environment in post-secondary education. NOSM University is legally obligated to eliminate barriers to provide equal access for learners with disabilities. Accordingly, the purpose of this policy is to provide guidelines for the provision of reasonable academic accommodations, including in the clinical environment for learners at NOSM University.

2.0 Scope

This Policy and its associated procedures apply to learners enrolled in all NOSM University programs who require Academic accommodations including in the clinical environment. Academic standards include medical professionalism.

3.0 Definitions

3.1 Ableism

The Ontario Human Rights Code defines ableism as "a belief system, analogous to racism, sexism or ageism, that sees persons with disabilities as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value than others. It may be conscious or unconscious, and may be embedded in institutions, systems, or the broader culture of a society. Ableism can limit the opportunities of persons with disabilities and reduce their inclusion in the life of their communities.

3.2 Academic accommodations included in the Clinical Environment

Academic accommodations including those in the clinical environment are permanent or temporary planned variations in the way a learner with a disability receives program curriculum and materials, participates in academic activities including in the clinical environment, or demonstrates mastery of skills or knowledge

of program content through assessment activities. Accommodations are adjustments to the learning and work environment that permit people with disabilities to participate in those activities at the University, including all clinical placements, to fulfill the essential requirements of the program. Accommodations serve to remove the barriers brought on by disability but do not change or lower the standards that a learner is required to meet. An adjustment may include, but is not limited to, modifications to clinical experiences, alternative teaching and assessment strategies, human supports or assistants, assistive technology, writing exams in an alternative location or being provided extra time or rest breaks to complete an exam, permission to audio record lectures. The term “Accommodations” in the policy refers to academic accommodations including those in the clinical environment.

3.3 **Accessibility**

Accessibility is the ability of individuals and groups to participate in employment, services including education. It includes the absence of undue barriers that prevent individuals and/or groups from fully participating in all aspects of employment and service provision including education. The term is often linked to people with disabilities and their rights to access.

3.4 **Academic Administrators with roles in Units and Education Programs**

Full-time Faculty and Professional Librarians who also have academic administrative appointments with responsibility for academic units or a medical education program.

3.5 **Accessibility Advisor**

Accessibility Advisor is responsible for the administration, implementation and quality control of accommodations, including accommodated testing, note-taking and acts as an advisor to the Accommodations Committee. The Accessibility Advisor (the “Advisor”) assists learners with accessing academic and clinical accommodations at NOSM University. The Accessibility Advisor examines confidential medical documentation to determine appropriate accommodations in both classroom and clinical placement settings for learners with disabilities; provides ongoing academic support for learners with disabilities, presents information about services at orientations; arranges training and provides information for learners who require assistive technology; liaises with NOSM U administration, faculty, program leaders and medical practitioners and psychologists and/or other healthcare providers, as needed.

3.6 **NOSM University Accommodations Committee**

The NOSM University Accommodations Committee is responsible for the initial review, subsequent revisions, and approval of accommodation plans as presented by the Accessibility Advisor. The Accommodations Committee consists of core members as per the Committee's Terms of Reference who will invite additional guests as required to bring applicable expertise in relevant areas.

3.7 **Academic Staff (Full-time Faculty and Professional Librarians)**

Individuals who have been given an academic appointment as faculty or professional librarians, including an academic rank who are expected to teach, conduct scholarly activities, engage in professional librarianship, and/or take on academic administrative roles for the University. Full-time Faculty and Professional Librarians may also be appointed as academic administrators (which for the purposes of this Policy will include academic administrators and senior academic administrators).

3.8 **Barriers**

With respect to discrimination barriers, it includes attitudes and designs that prevent people from fully participating in employment, use of facilities, and service provision including education. Individuals and groups can experience discrimination as a result of physical (building design), attitudinal (stereotypes or prejudices) or systemic barriers. Systemic barriers are formal or informal policies, practices, or rules which, when applied in the same way to everyone, may have the effect of excluding or restricting the participation of some individuals, e.g., a work schedule or community meeting that conflicts with religious observance requirements.

3.9 **Bona Fide Academic and/or Clinical Requirements**

Bona fide Academic requirements, including in the clinical environment, are the essential duties or requirements that one must be able to fulfill in order to access an educational service, demonstrate competency, or perform a clinical service, procedure, or task to the standard(s) required by the courses and programs.

3.10 **Disability**

The Ontario Human Rights Code (the Code) defines disability as "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 impediments, deafness or hearing impediment, muteness or speech impediment or physical reliance on a guide dog or other service animal or on a wheelchair or other remedial

appliance or device; a condition of mental impairment or a developmental disability; a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language; a mental disorder; or an injury or disability for which benefits were claimed or received under the Workplace Safety and Insurance Act, 1997.”

3.11 **Discrimination**

Discrimination means an unjust or prejudicial form of unequal treatment, whether imposing extra burdens or denying benefits, based on any of the protected grounds articulated in the Code. Discrimination may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that are not visible and/or appear neutral, but disadvantage certain groups of people (systemic discrimination or adverse discrimination). Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if Discrimination is one factor connected to the disadvantage, then the single discriminatory factor may constitute a violation of this Policy.

3.12 **Duty to Accommodate**

The obligation of an employer, facility, and service provider to take steps to eliminate the disadvantage caused by undue barriers including systemic, attitudinal, or physical barriers that exclude individuals or groups protected under the Code from participating in all aspects of employment, use of facilities and service provision including education. There is a procedural obligation to understand the impact of the disability and explore all accommodation options, and a substantive obligation to implement an accommodation that is reasonable. Every accommodation request must be fully considered and may be refused only if no Code-related need is substantiated, if the accommodation cannot be achieved without unduly compromising a Bona Fide academic requirements including in the clinical environment or an essential requirement, or if undue hardship can be demonstrated.

3.13 **Essential Requirement**

Essential requirements refer to the bona fide academic requirements including those in the clinical environment of a course or program, which cannot be altered without compromising the fundamental nature of the course or program. Essential Requirements will vary from program to program depending on the nature of the discipline, the teaching methods employed and the knowledge and skills that are to be learned and/or demonstrated, and the prescribed manner in which they must be demonstrated. Medical Professionalism is a component of academic requirements, as are clinical skills.

3.14 **Learner**

All individuals registered at NOSM University.

3.15 **Learner Affairs Officer**

Individuals who have been given a Professional Staff appointment as a Learner Affairs Officer, including a professional staff rank, who are expected to provide Learner counselling and advising, creation and delivery of related programs, and other duties.

3.16 **Learning and Work Environment**

The diverse physical and virtual locations, contexts and cultures in which learners learn and work in the academic environment including the clinical environment.

3.17 **Protected/Prohibited Grounds**

Protections in the Code, that every person has the right to equal treatment on the basis of:

- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status (including single status)
- Gender identity, gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation.

3.18 **Residents**

Residents are learners and in addition are licensed health professionals and employees thus have rights, duties and responsibilities as outlined by the College of Physicians and Surgeons of Ontario and the Provincial Association of Resident of Ontario (PARO) contract.

3.19 Senior Academic & Educational Leadership

Individuals who are leaders of academic units or leaders of the medical education program.

Types of Senior Academic and Educational Leadership including Academic Administrative Positions: Dean, Vice Dean(s), Associate and Assistant Deans, Phase Directors, Residency Program Directors, Unit Senior Directors and Directors, Medical Directors (e.g., CME, Faculty Development), Division Heads, Academic Directors (e.g., Assessment and Program Evaluation, Phase, Electives, Centre for Social Accountability), Student Assessment and Promotion Committee Chair, Section Chairs, Theme Course Chairs, and Committee to Support Student Professionalism Chair.

3.20 Undue Hardship

Where the accommodation would cause unbearable financial cost or considerable disruption to the University, an interference with the rights of others, or where the accommodation would create a health and safety hazard.

4.0 Procedures

4.1 Request for Accommodations

Learners with disabilities seeking an academic accommodation including in the clinical environment are expected to begin the process through a confidential meeting with a Learner Affairs Officer (LAO), the Assistant Dean, Learner Affairs or the Assistant Dean, Resident Affairs, who will discuss the learner's individual situation and answer questions.

To proceed with a formal request for accommodation a meeting with the Accessibility Advisor in the Learner Support Services Office will be arranged.

The process and procedure for assessing formal requests for accommodations is set out in the NOSM University Accommodations Committee Procedure document.

Confidentiality: The personal information of Learners with a disability shall be managed and protected in accordance with the Freedom of Information and Protection of Privacy Act and applicable University policies and Collective Agreements.

4.2 Faculty and Bona Fide Academic Standards, including in the Clinical Environment

Any accommodation is developed with the participation of Faculty members through the NOSM University Accommodations Committee and in doing so the academic mission and goals of the course(s), including any professional standards shall be considered.

Faculty who are teaching accommodated learners shall be informed of the learner accommodations relevant to their teaching and can consult with the NOSM University Accommodations Committee for possible alterations in the Accommodation plan.

4.3 Review

If the Learner and/or the Associate Dean in respect of that Learner is not satisfied with a decision made by the Accommodations Committee then the Learner may, in the circumstances outlined in the Accommodations Procedure, request a review of the decision by the Accommodation Review Committee.

5.0 Roles and Responsibilities

Reasonable academic accommodations including in the clinical environment are a cooperative process between the University, the learner and staff, academic leaders, and faculty. All participants in the process must fulfil their respective obligations set out in this Policy and the associated Procedures.

5.1 As a result of this policy, NOSM University will:

- Follow the requirements of the Ontario Human Rights Code.
- Recognize the inherent dignity and equality of all learners and will ensure learners with disabilities have the opportunity to fully participate in the academic experiences of NOSM University including in the clinical environment.
- Provide reasonable academic accommodations including in the clinical environment to learners with disabilities, up to the point of undue hardship, to enable learners to successfully meet the essential requirements of the course or program.
- Ensure when an accommodation is reasonably likely that accommodations are provided on an interim basis when needed. (e.g., while awaiting formal approval).

- Protect the privacy, confidentiality, independence, and dignity of learners with disabilities in accordance with NOSM University obligations under the Freedom of Information and Protection of Privacy Act, the Personal Health Information Privacy Act, Collective Agreements, and any other applicable laws. Personal information of learners will be shared only to the extent necessary to consider requests for accommodation, to arrange for reasonable academic accommodations including in the clinical environment or to process any appeals, all in accordance with this Policy and associated Procedures and all applicable law.
- Meet the needs of learners with disabilities in a timely manner through the implementation of this policy and its related procedures.
- Consider the rights of learners with disabilities when developing and implementing admission requirements, courses, placements, assessment methods, services, and informational material.
- Provide a clear appeal process for learners seeking academic accommodations including in the clinical environment for their disability within NOSM University.
- Provide ongoing training for NOSM University staff and faculty, including academic administrators, on an understanding of their roles in the accommodation process, including their responsibilities under the Code.
- Provide sufficient support and resources (financial or otherwise) to enable the University staff and faculty to implement accommodation policies and plans.
- Adhere to the NOSM University HR-100 Human Rights, Anti-Discrimination and Harassment Policy.

5.2 Learners with disabilities seeking academic or clinical accommodations have the responsibility to:

- Meet with a Learner Affairs Officer to discuss the accommodation requirement.
- Register and meet with the Accessibility Advisor and seek accommodation in a timely fashion.
- Provide supporting necessary documentation from a regulated health professional.
- Identify the program in which they are registered.

- Collaborate with the Accessibility Advisor in the identification and implementation of reasonable Academic and/or Clinical accommodations.
- Notify the Accessibility Advisor immediately if there are any changes in their disability status, identified limitations or the continued appropriateness of the Academic and/or Clinical accommodations that have been implemented.

5.3 Faculty including Academic Administrators have the responsibility to:

- Identify the academic essential requirements of their programs and courses including but not limited to course objectives and program assessment regulations.
- Respect the confidentiality of the learner who has requested an academic accommodation including in the clinical environment while collaborating with the Accessibility Advisor and/or Learner Affairs Officer to implement the plan.
- Review and determine how to implement academic recommendations including those in the clinical environment as provided to them.

5.4 The Accessibility Advisor has the responsibility to:

- Respect the learner's confidentiality at all times and only share information with the learner's permission as required to implement academic accommodations including those in the clinical environment.
- Register learners with disabilities who require an accommodation.
- Gather the necessary information from a regulated health professional(s) supporting that a learner has a disability; and the nature and extent of any limitations associated with the disability.
- Review the program's academic essential requirements for which the learner is seeking academic accommodation including those in a clinical environment in consultation with faculty, including academic administrators.
- Determine a reasonable accommodation (or range of accommodations) that meets the learner's limitations while respecting the essential requirements of program in consultation with faculty, including academic administrators.
- Review a learner's accommodation needs, as required, to determine whether existing academic accommodations including those in a clinical environment remain reasonable and appropriate.

- Make accommodation information available, as necessary and with the learner's consent, to others such as faculty including academic administrators and clinical scheduling.
- Assist learners transitioning from one program to another, ensuring their existing accommodation documents are ready, revised for the new program context, and follow the learner.

5.5 The Senior Learner Affairs Officer and/or Learner Affairs Officer has the responsibility to:

- Meet with the learner who identifies the need for an accommodation.
- Assist learners, faculty, including academic administrators, in arranging and communicating Academic and/or Clinical accommodations.
- Together with the Accessibility Advisor, make accommodation information available to others where necessary with the learner's consent, including faculty, academic administrators and clinical scheduling.
- Ensure ongoing support for a learner with accommodations, as required.

6.0 Related Documents

In support of this policy, the following documents have been consulted in the development of this policy:

- Ontario Human Rights Code, 1990
- Accessibility for Ontarians with Disabilities Act, 2005
- NOSM University Act, 2021
- NOSM University Human Rights, Anti-Discrimination and Harassment Policy
- Procedure for Academic and/or Clinical Accommodations

7.0 Getting Help

Queries regarding interpretations of this document should be directed to:

NOSM University, Director – Learner Support Services at
directorlearnersupportservices@nosm.ca.

8.0 Review

This policy will be reviewed annually from the date it comes into effect. It may be reviewed or amended as necessary due to changes related to legislation, University practices or procedures, or other reasons impacting the applicability of this policy.

AUTHORITIES AND OFFICERS

The following is a list of authorities and officers for this policy:

- a. Approving Authority: Senate
- b. Responsible Officer: Director – Learner Support Services
- c. Procedural Authority: Director – Learner Support Services
- d. Procedural Officer: Director – Learner Support Services

Review and Revision History

Review Period: Yearly

Date for Next Review: April 2023

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