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PGME Accommodation Guidance Document

Office of Accountability:	Faculty of Medicine & Dentistry (FoMD)
Office of Administrative Responsibility:	Postgraduate Medical Education (PGME)
Reviewed with:	Postgraduate Medical Education Committee (PGEC) Office of the General Counsel, University of Alberta Academic Success Centre, University of Alberta
Classification:	Assessment
Scope:	Residency and Area of Focused Competence (AFC) Programs

Overview

The University of Alberta’s Discrimination, Harassment, and Duty to Accommodate Policy (“Policy”) and Duty to Accommodate Procedure (“Procedure”) applies to members of the University of Alberta (“University”) community. This includes our postgraduate medical education resident physicians and Area of Focused Competence (AFC) fellows who are registered with the University as PGME students (“PGME Trainees”).

However, PGME Trainees differ from other University students, including medical students, because PGME Trainees play a distinct role within the healthcare system. In this role, they undergo experiential, workplace learning to achieve the competencies necessary for independent clinical practice while also providing employment-related or clinical service to the health care agencies overseeing their experiential workplace learning. These learning experiences are typically different from medical students and are specified in discipline-specific training documents from the relevant Accreditation College - either the College of Family Physicians of Canada or the Royal College of Physicians and Surgeons of Canada. The standards mandated by the Accreditation Colleges constitute core academic requirements that both the University and PGME Trainees are required to meet. Thus, there is a need for a guidance document to delineate how the University’s Policy and Procedure applies to PGME Trainees.

The need for a guidance document on accommodation requests is also required in accordance with the General Standards of Accreditation for Institutions with Residency Programs set by the Canadian Residency Accreditation Consortium (CanRAC). This requires effective central policies and processes for educational accommodation.

Purpose

The purpose of this document is to provide guidance on how the University’s Policy and Procedure applies to PGME Trainees.

PRINCIPLES

In the context of the PGME Trainees, the following principles apply:

1. Pursuant to the Policy and Procedure, the University's Academic Success Centre (ASC), under the Vice Provost and Dean of Students portfolio, is responsible for assessing and providing for all student accommodations, including accommodations for PGME Trainees.
2. The Policy and Procedure, based in part on the *Alberta Human Rights Act*, prohibits **discrimination** against PGME Trainees in their learning and working environments based on certain **protected grounds** to the point of **undue hardship**.
3. PGME Trainees are entitled to reasonable accommodations based on the protected grounds up to the point of undue hardship, except in cases where the University can show that the discriminatory practice, standard, policy, decision or rule is a **bona fide academic requirement (BFR) or bona fide occupational requirement (BFOR)**.
4. In addition to being University PGME students, PGME Trainees also play a role as healthcare professionals who provide employment-related or clinical service for the regional health authorities in Alberta and elsewhere, and must perform certain employment-related or clinical service activities as part of their duties.
5. To determine if an academic or employment-related clinical service activity during a training program is a *bona fide* academic or occupational requirement, the following conditions must be met:
 - a. The program or employer adopted the activity for a purpose that is rationally connected to the requirements of the PGME Trainee's academic program and/or performance of the PGME Trainee's employment-related or clinical service duties.
 - b. The program or employer adopted the activity in an honest and good faith belief that it was necessary to fulfill the purposes of the academic program and/or employment-related or clinical service duties.
 - c. The activity is reasonably necessary to accomplish the purposes of the academic program and/or employment-related or clinical service. To show that the activity is reasonably necessary, it must be demonstrated that it is not possible to accommodate the PGME Trainee without imposing undue hardship.
6. Accommodations must not lower academic or non-academic standards of training required of PGME Trainees, nor may accommodations relieve a PGME Trainee of their responsibilities to develop the essential skills and competencies expected of all PGME Trainees.
7. PGME Trainees must meet the academic standards of training as set by the relevant Accreditation College.
8. PGME Trainees must meet the academic standards of training even if the PGME Trainee's scope of practice or practice patterns after postgraduate training may differ from the required or mandatory training experiences during postgraduate training.
9. While the nature of the accommodations will differ between PGME Trainees, the procedure for developing an accommodation plan for all PGME Trainees is the same.
10. Accommodations are only approved for a particular period of time and might be possible for some learning experiences and rotations but not others.

REQUESTING ACCOMMODATIONS

1. Because accommodation may take some time to develop and implement, PGME Trainees must notify their Program Director with their request for accommodation as soon as possible. PGME Trainees must also contact the Academic Success Centre as soon as possible and follow ASC's process for requesting accommodation. Because of the time it may take to develop and implement accommodation plans, an extension of training may be required.
2. Once the Academic Success Centre's Advisor and PGME Trainee have drafted a proposed accommodation plan, the ASC Advisor will contact the PGME Associate Dean to identify or confirm the PGME Trainee's training program and Program Director.
3. The ASC Advisor will send the accommodation plan to the Program Director for review, with guidance from the PGME Associate Dean.

DETERMINING APPROPRIATE ACCOMMODATION

1. The Program Director, who may involve the Residency (or AFC) Program Committee or others on a need-to-know basis, will review the accommodation plan to determine whether it is possible to deliver the educational training experiences within the proposed accommodation plan. In doing so, they will consider relevant factors, including the following:
 - a. The accommodation plan must meet all required or mandatory training experiences and *bona fide* occupational requirements. These include any required or mandatory off-service training experiences, non-clinical experiences or activities, and on-call or after-hours training experiences as specified in the educational standards of training. The Program Director will likely need to communicate with others who oversee these experiences on a need-to-know basis.
 - b. For reasons of accommodation, the training program may need to modify how it typically delivers the required or mandatory training experience. The degree of flexibility in delivering the required or mandatory training experience will depend on how it is described in the educational standards of training.
 - c. If the accommodation plan contemplates a decrease in duty hours which will result in the PGME Trainee being unable to meet the educational standards of training in the typical period of time, fractional training (which must be no less than 50% of full-time training) will be the presumptive means of achieving this with a commensurate lengthening in the training duration.
 - d. The accommodation plan must not impose undue hardship on the University or the relevant health authority.
 - e. The Program Director and PGME Associate Dean will consult with the health authority on the viability of the proposed accommodation plan if it intersects or interrelates to accommodations in the workplace.
2. Once the training program has reviewed the accommodation plan, the Program Director will either confirm with the ASC Advisor that the training program will implement the accommodation plan, or refuse the accommodation plan, with reasons, and where possible propose alternatives which could achieve the goal of accommodation short of undue hardship.

REVIEW OF THE ACCOMMODATION PLAN

1. Once the accommodation plan has been determined, and in the absence of any changed circumstances, it will be in effect throughout PGME Trainee's training for as long as the PGME Trainee requires accommodation based on the protected ground.
2. If there is a change in the PGME Trainee's circumstances that led to the accommodation plan, either the PGME Trainee or Program Director can ask the ASC Advisor to review the accommodation plan to determine if changes are required. Changes to the accommodation plan will follow the process described above under DETERMINING APPROPRIATE ACCOMMODATION.

PRIVACY AND PERSONAL INFORMATION

1. Any use and disclosure of personal information outlined in this guidance document will be in accordance with the *Freedom of Information and Protection of Privacy Act* of Alberta.
2. Privacy and the protection of personal information is essential for creating an environment where PGME Trainees feel safe in disclosing their needs and seeking accommodations. The University (i.e. PGME Dean, Program Director, Residency (or AFC) Program Committee, Academic Success Centre, etc.) will protect the privacy of those involved in the accommodation process to the extent possible. Possible limits to the University's ability to do so include when:
 - a. there is a risk of harm to self or others;
 - b. as necessary to assess, implement and monitor accommodations
 - c. disclosure or action is required or authorized by law, including but not limited to, under the FOIP Act.
3. In such cases, the use or disclosure of personal information will be limited to that which is reasonably necessary and only to those with a need to know. The University will endeavor to inform all parties of these limits on its ability to protect personal information.

DEFINITIONS

Definitions are listed in the sequence they occur in the document (i.e. not alphabetical).

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use.	
Accommodation	Accommodation is the process of making reasonable adjustments to the delivery of services and the conditions of employment in order to reduce or eliminate the impact of discriminatory rules, policies, practices, standards, or decisions, which have an adverse impact on an individual or group of individuals based on a characteristic or perceived characteristic referenced in the protected grounds.
Discrimination	A distinction, whether or not intentional, based on a characteristic or perceived characteristic referenced in the protected grounds that has the effect of imposing on an individual or group of individuals burdens, obligations or disadvantages that are not imposed on others, or of withholding or limiting access to opportunities, benefits and advantages available to other individuals in society.
Protected grounds	The protected grounds under the <i>Alberta Human Rights Act</i> and the University's Policy and Procedure are race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, age, physical disability, mental disability, marital status, family status, source of income, and sexual orientation.
Educational Standards of Training	For RCPSC programs, the educational standards of training are typically described in the documents that describe the specialty's competencies, training experiences, entrustable professional activities, objectives of training, and specialty training requirements. For CFPC programs, the educational standards of training are typically described in documents including the Residency Training Profile.
Bona fide requirement (BFR) / Bona fide occupational requirement (BFOR)	<p>A limitation on individual rights may be reasonable and justifiable if the university can show that a discriminatory practice, standard, decision or rule is a "bona fide requirement" (BFR) or "bona fide occupational requirement" (BFOR). To establish a BFR or BFOR, the University must demonstrate, on a balance of probabilities, that the impugned practice, standard, decision or rule:</p> <ol style="list-style-type: none"> A. Was adopted for a rational purpose connected to the requirements of the PGME Trainee's academic program and performance of their employment duties. B. Was adopted in an honest and good faith belief that it was necessary to fulfill the requirements of the PGME Trainee's academic program and their employment duties. C. Is reasonable and necessary to fulfill the requirements of the PGME Trainee's academic program and their employment duties.

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Undue Hardship	<p>The University has a duty to reasonably accommodate individuals who experience barriers in their working and learning environment by reason of a protected ground to the point of undue hardship. The threshold of undue hardship is high and implicitly contemplates that some degree of hardship – including labour, resources and challenge – is acceptable. Undue hardship is assessed on a case-by-case basis. The high threshold of undue hardship may be reached in circumstances including but not limited to when the proposed accommodation would:</p> <ul style="list-style-type: none"> A. Pose a risk to the safety of others or a substantive risk of personal injury to the person seeking accommodation. B. Entail unreasonable financial cost such that a program or service would cease to exist or otherwise be unreasonable for the university to bear the costs of accommodation. C. Effectively lower academic and/or performance standards or result in substantive job requirements being unmet. D. Result in essential elements of an educational service or program not being offered to other PGME Trainees or otherwise cause substantial detrimental effects on other PGME Trainees.
General Standards of Accreditation for Institutions with Residency Programs	<p>The General Standards of Accreditation for Institutions with Residency Programs are national standards that apply to the accreditation of institutions with residency programs. These standards are maintained by the Canadian Residency Accreditation Consortium which includes the Royal College of Physicians and Surgeons of Canada (RCPSC), College of Family Physicians of Canada (CFPC), and Collège des médecins du Québec (CMQ). The standards apply to faculties of medicine, postgraduate offices, and learning sites, written to provide a framework which aims to provide clarity of expectations, while maintaining flexibility for innovation.</p>
Canadian Residency Accreditation Consortium or CanRAC	<p>The Canadian Residency Accreditation Consortium is composed of the three residency education accrediting colleges in Canada: Royal College of Physicians and Surgeons of Canada (RCPSC), College of Family Physicians of Canada (CFPC) and Collège des médecins du Québec (CMQ).</p>
Accreditation Colleges	<p>Accreditation colleges include the Royal College of Physicians and Surgeons of Canada (RCPSC) which accredits specialty (including AFC fellowship) training programs, and the College of Family Physicians of Canada (CFPC) which accredits Family Medicine residency programs.</p>
Health authority	<p>Health authorities administer and deliver health care to the population they serve. This includes organizations such as Alberta Health Services, Covenant Health, and any other agency that Alberta Health designates to deliver health services.</p>