



# OMEKO

## **Graduate Medical Education**

Approved by the Graduate Medical Education Committee (GMEC) on May 23, 2023

Effective Date: July 1, 2019

Review Date: May 2023

Next Review Date: May 2024

**Policy Title:** **Disabilities and Accommodations Policy**

**Purpose:** To describe the methods for Trainees requesting disabilities and accommodations

**Policy Type:** Sponsoring Institution/Sponsored Programs Policy

Any Sponsored Program that is receiving federal funds must comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

The Sponsoring Institution is committed to providing an environmental and educational experience for all Trainees. Therefore, the Sponsoring Institution requires each Sponsored Program to prohibit discrimination against persons with disabilities in the provision of benefits or services or the conduct of programs or activities based on their disability.

Each Sponsored Program should make reasonable modifications in its policies, practices, and procedures to avoid discrimination on the basis of disability, unless the modification would result in a fundamental alteration of the program or activity. If there are discrepancies between program and Sponsoring Institution policies, in general the stricter of the two policies will apply; however, the Sponsoring Institution and the Sponsored Programs will work collaboratively to come to consensus in areas of debate.

### **Requesting Reasonable Accommodations:**

It is the obligation of the applicant or resident seeking accommodation to direct their request to sponsored program director who will work with their local HR in an interactive dialogue to determine if the request is reasonable and can be accommodated. This can be done in collaboration with the Sponsoring Institution when necessary. Requests will be considered on a case-by-case basis in accordance with state and federal regulations.

All requests will be evaluated to include identifying funds and implementation of the accommodation.

### **Requesting Reasonable Accommodations for Licensure or Certifying Board Examination:**

The resident requesting accommodations for licensure or certifying board examination will be required to pursue requests independently of the sponsored program. The sponsored program may (if

necessary) provide documentation of accommodations granted to the trainee, but do not make recommendations for extended time or other modifications for either exam.

### **Documentation of Disability**

Individuals who request accommodation are obligated to provide documentation of their disability to the Program Director of the sponsored program or other individuals as directed by the Sponsored Program with a description of the requested accommodation. Documentation of previous accommodations is within the right of the sponsored program to be requested.

This information will be forwarded to the Sponsoring Institution who will work with the sponsored program for monitoring of accommodation granted or denied. All sponsored programs under the sponsoring institution reserve the right to obtain additional medical or psychological assessment if the initial information from the applicant or the resident is insufficient.

All documentation regarding disability shall be retained in files separate from the application, academic or personnel files of the resident. All sponsored programs, as appropriate, reserve the right, method and means of accommodation taking into consideration undue hardship to include any action that is unduly costly, extensive, substantial, disruptive, or that would fundamentally alter residency training or patient care.

### **No Retaliation**

Applicants or residents will not be retaliated against for requesting accommodation in good faith. The sponsoring institution, as applicable to their applicants or employed residents, will prohibit any form of discipline, reprisal, intimidation, or retaliation for requesting accommodation in good faith.

Applicants or residents will be informed that if they feel they or someone else may have been subjected to conduct that violates this policy then they should report it immediately to the Designated Institutional Official.

If there are discrepancies between Sponsored Program and Sponsoring Institution policies, in general the stricter of the two policies will apply; however, the Sponsoring Institution and the Sponsored Programs will work collaboratively to come to consensus in areas of debate.

### **References**

III.B.7.d) The Sponsoring Institution must ensure a healthy and safe clinical and educational environment that provides for: (Core)

III.B.7.d). (6) accommodations for residents/fellows with disabilities, consistent with the Sponsoring Institution's policy. (Core)

IV.1.4. Accommodation for Disabilities: The Sponsoring Institution must have a 768 policy, not necessarily GME-specific, regarding accommodations for disabilities consistent with all applicable laws and regulations. (Core)