PROTOCOL FOR RESIDENT DISABILITY ACCOMMODATIONS
Equal Opportunity Office

Revised May, 2009

The University of Kansas Medical Center provides reasonable accommodation for residents with disabilities who satisfy the following requirements:

- the newly accepted resident submits a Technical Standards for Graduate Medical Education form (Attachment "D" of the Resident Agreement) to the GME office indicating the need for accommodations in order to meet the Technical Standards. (NOTE: A resident currently participating in the program does not submit this form) or
- the resident requests disability accommodation from an appropriate university official, and
- the resident provides appropriate documentation from a treating physician(s) regarding the nature of the medical or psychological condition giving rise to the need for accommodation, and
- the resident is deemed to have a "covered disability", as defined by the Americans with Disabilities Act (ADA) of 199, the American's with Disabilities Act Amendments Act (ADAAA) of 2008 and Section 504 of the Federal Rehabilitation Act of 1974.

NOTE: There are two general types of accommodation situations in the Graduate Medical Education program:

1. **Accommodation parameters and arrangements which are determined and established by the accrediting board for the specialty/subspecialty program. An example is the administration of certifying (shelf) exams. For these types of situations, the program director or faculty are to coordinate the accommodations with the specialty/subspecialty board, meet the requirements of the directed accommodations, and notify the EO/ Disability Specialist of those arrangements.**

2. **Accommodation parameters and arrangements which are determined and established by the University, i.e. those involving terms and conditions of a resident's service at the University of Kansas Medical Center. An example is the acquisition and/or**

adaptation of equipment. Program directors are to adhere to the following protocol.

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The following protocol applies only to accommodation requests and arrangements under the jurisdiction of the University.

Each accommodation request, including new requests from residents who are currently receiving accommodation, is handled on **a case-by-case basis by means of a highly interactive process**. Participants in the process include, but not limited to, the following:

- the resident and his or her medical provider
- EO/ Disability Specialist and designated staff in the Equal Opportunity Office
- department chair/program director
- faculty
- GME Disability Officer (Associate Dean for Graduate Medical Education or designee)
- Accommodation Review Team, when necessary
- accrediting body for specialty/subspecialty area

This document highlights the primary responsibilities of individuals involved in the accommodation process.

RESIDENT RESPONSIBILITIES

The resident is responsible for:

1. Indicating the need for the accommodation. This can occur in one of two ways:

- A newly accepted resident indicates the need on the signed and dated Technical Standards for Graduate Medical Education form, or
- A resident currently participating in the program indicates the need by notifying the Program Director or the EO/ Disability Specialist.

2. Identifying the nature of the condition which gives rise to the request.

3. Requesting the accommodation. The request must be made well in advance of the need, so that it can be evaluated. The request must be detailed enough to ensure that, if granted, the accommodation can be effectively implemented. The resident is to submit a Request for Accommodation form to the EO/Disability Specialist.

4. Providing medical documentation. The resident must provide timely and adequate written documentation from an appropriate treating physician(s)

which substantiates the presence of an impairment that rises to the level of a disability which entitles the resident to state or federal disability coverage and supports the need for a requested accommodation. Each accommodation request may require additional documentation, and some covered disabilities require intermittent re-testing. The resident is responsible for complying in a timely manner with any request for documentation or information from the EO/ Disability Specialist.

5. Fulfilling their responsibilities in conjunction with the accommodation. For example,

- The resident must use any device or equipment provided by the University as agreed upon, take due care to ensure its security, and return the equipment in working order.
- The resident must provide **at least 24 hours notice** to the EO/ Disability Specialist if s/he needs to reschedule or cancel the use of a service provider (such as an interpreter, reader or proctor).
- The resident must provide the EO/ Disability Specialist with a **detailed schedule** of lectures, conferences, tests, and other academic schedules which are related to the accommodation, and must provide adequate notice when any schedule changes are made.

6. Maintaining regular contact with the EO/ Disability Specialist. The resident should contact the EO/ Disability Specialist at least once during each rotation which requires an accommodation to provide feedback about the effectiveness of the accommodation and discuss program needs.

FACULTY RESPONSIBILITIES

On behalf of the GME program in which the resident is enrolled or participating, when accommodations are made that have been determined and established by the University, the faculty member is responsible for:

1. Informing supervisors and/or appropriate personnel about their rights and responsibilities in conjunction with the accommodation process.

2. Participating in discussions with the EO/ Disability Specialist, resident, GME Disability Officer and/or Accommodation Review Team regarding the indicated need for an accommodation or the requested accommodation.

3. Protecting the confidentiality of the information received regarding the resident's disability. Information regarding the impact of the disability upon the resident's participation in the program can only be shared with those who have a legitimate educational need to know. These individuals could include the Chief Resident and attending physician(s).

4. Providing information to the resident and/or EO/ Disability Specialist regarding program and/or academic requirements, and other activities. The information must be detailed enough and provided in ample time to make appropriate arrangements.

5. Fulfilling their responsibilities in conjunction with the accommodation. For example, when the accommodation requires acquisition and/or adaptation of equipment, the faculty member works with the EO/ Disability Specialist in the arrangements for such purchases and/or adaptations.

DEPARTMENT CHAIR/PROGRAM DIRECTOR RESPONSIBILITIES

On behalf of the school and department in which the resident is a trainee, the Department Chair/Program Director or designee is responsible for:

1. Informing faculty and staff about their responsibilities in conjunction with accommodations. Once an accommodation request has been reviewed and granted, individual faculty will be required to participate in the provision, coordination or facilitation of the accommodation. The extent and nature of their responsibilities must be determined on a case-by-case basis, and is most appropriately conveyed by the appropriate official (Department Chair, Program Director and/or GME office.)

2. Protecting the confidentiality of the information received regarding the resident's disability. Information regarding the impact of the disability upon the resident's participation in the course or activity can only be shared with those who have a legitimate need to know.

3. When appropriate, participating in discussions with the Accommodation Review Team regarding the financial implications of requested accommodations.

GME DISABILITY OFFICER RESPONSIBILITIES

The GME Disability Officer is responsible for:

1. Assisting with steps necessary to ensure that the program is in compliance with state and federal laws by performing the following:

    - Notifying residents with disabilities of their rights and responsibilities
    - Participating in educational awareness programs regarding disability related issues
    - Reviewing with EO/ Disability Specialist the admissions process and accompanying materials

- Monitoring publications of school related brochures, catalogues, syllabi and other pertinent documents to ensure appropriate disability information is included

2. Providing input on requested or possible accommodation(s) that would enable the resident to perform successfully in the program.

3. Participating, as a member of the Accommodation Review Team, in discussions regarding the requested accommodation and assisting with the development of accommodations

4. Assisting with the arrangements for purchase and/or use of equipment or auxiliary devices and oversee implementation of the accommodation(s.)

5. Providing input regarding effectiveness of actions taken/accommodations made.

6. Protecting the confidentiality of the information received regarding the resident's disability. Information regarding the impact of the disability upon the resident's participation in the course or activity can only be shared with those who have a legitimate need to know. These individuals could include Program Chairs/Directors and, in some cases, faculty.

7. Acting as liaison among EO/ Disability Specialist, department chair/program director, faculty, and resident

EO/ DISABILITY SPECIALIST RESPONSIBILITIES

On behalf of the institution, the EO/ Disability Specialist is responsible for:

1. Informing residents of their rights and responsibilities regarding the disability accommodation process and ensuring appropriate individuals are aware of their associated roles and responsibilities.

2. Receiving and processing accommodation requests under the University's jurisdiction, conducting an initial review of documentation from appropriate medical provider(s) regarding the nature and extent of the disability, restrictions and limitations, the nature of the accommodation, and the expected duration of any restrictions or accommodations. Obtain a signed and completed **Request for Accommodation form** from the resident.

3. Consulting with appropriate university officials in order to determine the following:

    - whether or not the resident is qualified for coverage under state and federal disability laws

- the sufficiency of medical documentation
- anticipated costs of the accommodation
- the funding source for the accommodation
- the role and responsibilities of all individuals (including faculty, residents and service providers) associated with the accommodation
- whether or not the request is reasonable

4. Coordinating the provision of approved accommodations. Once a request has been granted, the EO/ Disability Specialist will confirm the accommodation in writing with involved faculty and program directors and oversee service provision arrangements.

   When accommodation requires the provision of sign language interpreters, the EO/ Disability Specialist and her staff will:

   - Identify appropriate service providers
   - Schedule services in conjunction with the resident, faculty and service provider
   - Receive and process service provider invoices
   - Utilize funds funneled through Account 200302, ensure timely payment

   When accommodation requires the acquisition and/or adaptation of equipment, the EO/ Disability Specialist will assist with the necessary research, the identification of appropriate equipment and the subsequent purchase of the equipment. Generally, the costs associated with this process are incurred by the departmental program in which the resident is participating.

5. Maintaining official documentation related to every resident who requests accommodation and ensuring that it is retained for five years after the last accommodation.

6. Protecting the confidentiality of the information received regarding the resident's disability. Information regarding the disability and/or the impact of the disability upon the resident's participation in the course or activity can only be shared with those who have a legitimate educational need to know. Those individuals who could be told the disability include the Dean and the School Disability Officer, residency directors and, in some cases, faculty.

7. Conducting follow-up with the resident and supervisor to determine effectiveness of actions taken.

ACCOMMODATION REVIEW TEAM RESPONSIBILITIES

1. The composition of the Accommodation Review Team consists of the EO/ Disability Specialist, Associate Dean for GME or designee, Department Chair &/or Program Director, Legal Counsel, Associate Vice Chancellor for Administration, Assistant to the Vice Chancellor, GME Disability Officer. This team is convened as necessary to review the requested accommodations, discuss the financial implications, determine the funding source(s), and clarify the roles of the individuals who will participate in the provision of the accommodation.

2. Protecting the confidentiality of the information received regarding the resident's disability.