1.0 ASSOCIATED POLICY

- Human Rights and Accessibility Policy

2.0 DEFINITIONS

Accessibility
The design of physical, pedagogical, administrative, and service environments that ensures full, equitable access and participation for all individuals across the University and broader community, inclusive of all Protected Grounds.

Accessibility Need
A barrier related to a Protected Ground that limits an individual's ability to access or participate fully in services, employment, education, or facilities, and may require adjustments, supports, or modifications.

Accommodation
A change or adjustment to rules, standards, policies, workplace or learning environments, or practices made to remove barriers and ensure that individuals are not adversely affected based on a Protected Ground.

Accommodation Plan
A document outlining the Accommodations that will be put in place for the Employee because of the Accommodation Request.

Accommodation Questionnaire
A structured document or form used by the University to collect relevant information from an Employee and, where appropriate, a qualified healthcare provider, regarding the Employee's functional limitations, restrictions, and accommodation needs, for the purpose of assessing and implementing workplace accommodations in accordance with the *Alberta Human Rights Act*. The Accommodation Questionnaire is limited to information reasonably necessary to support the Accommodation process.

Accommodation Request
A request for the University to take positive steps in response to an Employee experiencing an Accessibility Need submitted in accordance with this Procedure.

Association
The MacEwan Staff Union (MSU) or the Grant MacEwan University Faculty Association (GMUFA), as appropriate.

Bona Fide Requirement
A requirement that is rationally connected to the performance of the job or the essential requirements of an educational program, including, where applicable, competencies necessary to meet legitimate professional or regulatory standards, adopted in an honest and good-faith belief that it is necessary to achieve a legitimate purpose, and reasonably necessary such that accommodating an individual on Protected Ground(s) would result in Undue Hardship.

Disability
Physical Disability or Mental Disability.

Duty to Accommodate
The legal obligation to take reasonable steps to remove barriers and provide adjustments to rules, policies, practices, or environments so that individuals are not disadvantaged based on a Protected Ground, up to the point of Undue Hardship.

Employee
An individual employed by the University, including members of the MacEwan Staff Union, members of the Grant MacEwan University Faculty Association, and employees not included within the scope of either.

Manager
The individual to whom the Employee directly reports and is out of scope of an Association.

Mental Disability
Any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder, as defined in the *Alberta Human Rights Act* (AHRA).

Physical Disability
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 epilepsy, paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, and physical reliance on a guide dog, service dog, wheelchair or other remedial appliance or device, as defined in the *Alberta Human Rights Act* (AHRA).

Protected Ground
Personal characteristics listed in the *Alberta Human Rights Act* (AHRA) on the basis of which all people are entitled to equal dignity, rights, and responsibilities. These grounds are: race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, and sexual orientation.

Senior Administrator
Senior Administrator positions include the president, the vice-presidents, the deans, and the associate vice-presidents.

Undue Hardship
The point at which accommodation would create a significantly onerous condition for the University. In assessing Undue Hardship, factors such as health and safety risk, financial cost, the removal of a Bona Fide Requirement, operational requirements, and the impact on the legal Rights of others may be considered.

3.0 PROCEDURE ELEMENTS

3.1 Employee Accommodation Request

3.1.1 An Employee may make an Accommodation Request to address an Accessibility Need related to a Protected Ground to their Manager or Senior Administrator.

3.1.2 An Employee must make an Accommodation Request in writing using the Workplace Accommodation Request Form.

3.1.2.1 Accommodation Requests will be reviewed and evaluated in a timely manner. This timeline may vary depending on the complexity of the request.

3.1.3 If the Accommodation Request is for Disability reasons, an Employee may be asked to provide to the Wellness and Benefits representative relevant documentation that:

3.1.3.1 is prepared by a licensed professional with expertise in the diagnosis or assessment of the Disability, such as a physician, psychologist, or other qualified health professional;

3.1.3.2 confirms the existence of the Disability and, where appropriate, identifies any functional limitations or restrictions that may affect the Employee's ability to perform the essential duties of their position; and

3.1.3.3 reflects the Employee's current level of function in relation to their job duties, including any limitations or restrictions that may reasonably impact their ability to perform those duties.

3.1.4 If the Accommodation Request is based on a Protected Ground for reasons other than Disability, relevant documentation may be requested by the Manager or Senior Administrator to support the request.

3.1.5 Upon receiving an Accommodation Request the Manager or Senior Administrator will:

3.1.5.1 advise Human Resources of the Accommodation Request;

3.1.5.2 review any relevant information necessary to understand the accommodation needs and operational considerations, in accordance with applicable privacy requirements; and

3.1.5.3 meet with Human Resources, the Employee, and where applicable, the appropriate Association, to discuss the Accommodation Request.

3.1.6 The Manager or Senior Administrator, in consultation with Human Resources and the Employee, will determine appropriate accommodation measures and will communicate the outcome of the Accommodation Request to the Employee in writing.

3.1.7 If the Accommodation Request is approved, an Accommodation Plan will be created.

3.1.8 The Accommodation Plan will be documented and acknowledged by the Employee, the Manager or Senior Administrator, Human Resources, and where applicable the Association and is kept in the Employee's employment file.

3.1.9 The Accommodation Plan will be reviewed by the signatories of the original agreement on an ongoing basis as deemed necessary by the Manager or Senior Administrator.

3.1.10 Once an Accommodation Plan is in place, the Manager or Senior Administrator may request an update to any relevant documentation (see 3.1.3).

3.2 Roles and Responsibilities

3.2.1 Senior Administrators and Managers are responsible for:

3.2.1.1 exploring reasonable options to address an Employee's needs and restrictions identified in an Accommodation Request;

3.2.1.2 providing the Employee with a current job description and, where applicable, a physical demands analysis prepared by Human Resources;

3.2.1.3 working with Human Resources to develop and implement an Employee's Accommodation Plan;

3.2.1.4 reimbursing the cost of medical documentation if requested or required by the University; and

3.2.1.5 covering the cost of assistive devices, equipment, or workplace modifications required for an Employee performing modified duties working under an approved Accommodation Plan.

3.2.2 Employees are responsible for:

3.2.2.1 following applicable University procedures for requesting and accessing specific services and Accommodations;

3.2.2.2 participating in good faith in the Accommodation Request process, including engaging in discussions and cooperating in the development and implementation of an Accommodation Plan;

3.2.2.3 providing the Accommodation Questionnaire to the appropriate professionals as it relates to the specific Accommodation Request; and

3.2.2.4 contacting their Association at any time during the Accommodation process to seek advice or assistance, at their discretion.

3.2.3 The Wellness and Benefits representative is responsible for:

3.2.3.1 sending the Accommodation Questionnaire to the employee to provide to the appropriate professional;

3.2.3.2 sharing with Human Resources and the respective Manager or Senior Administrator relevant documentation regarding the Employee's functional abilities or limitations, as provided by the licensed professional, in accordance with applicable privacy requirements;

3.2.3.3 advising the Employee on insurance coverage available and applicability; and

3.2.3.4 coordinating with providers regarding approved assistive devices and services that may be required by the Employee.

3.2.4 Human Resources is responsible for:

3.2.4.1 providing advice to Managers and Senior Administrators regarding the Duty to Accommodate;

3.2.4.2 providing collective agreement interpretation to Employees and their Managers, as applicable;

3.2.4.3 coordinating meetings with relevant stakeholders where appropriate; and

3.2.4.4 providing an up-to-date job description to the Employee, Manager, and, where required, external medical professionals, in accordance with applicable privacy requirements.

3.3 Bona Fide Occupational Requirements

3.3.1 Where a Bona Fide Requirement exists, an Accommodation Request will not be granted where the University has demonstrated that reasonable accommodation options have been explored and that granting the Accommodation request would remove or substantially alter that requirement or result in Undue Hardship.

3.3.2 A Bona Fide Requirement must be reviewed and confirmed by the Senior Administrator of the Employee's Faculty/School or department before being relied upon to deny an Accommodation Request.

3.3.3 The Senior Administrator may review and confirm a Bona Fide Requirement:

3.3.3.1 in consultation with Human Resources;

3.3.3.2 on application by a Manager; or

3.3.3.3 during a separate course-specific teaching requirement, as determined by the Senior Administrator.

3.4 Records and Privacy

3.4.1 All records and personal information created or collected under this Procedure are subject to the University's Records Management Policy and Privacy Policy.

3.4.2 The management of accommodation matters will be carried out in accordance with applicable legislative and contractual requirements that protect Employees' rights to privacy. Employees seeking Accommodation may be required to provide medical or other sensitive information relating to their disability, functional abilities, or capacities for the purpose of supporting an Accommodation Request. Such information will be treated as confidential and will be collected, used, and disclosed only on a need-to-know basis.

3.4.3 Medical information and related records provided to the University will be securely maintained by Abilities Management and will be shared with Managers and Human Resources professionals only to the extent necessary to support the Accommodation process. Information will be disclosed to an Employee's Association or Union only with the Employee's written consent. In the absence of consent, only the minimum information necessary to enable the Association or Union to fulfill its representational role will be shared.

4.0 RELATED POLICIES, PROCEDURES, FORMS AND OTHER DOCUMENTS

- Workplace Accommodation Request Form
- MacEwan Physician's Assessment Form

5.0 ACCOUNTABILITY

Responsible Office
Human Resources

6.0 HISTORY

Relevant Dates

Approved: **26.06.02**

Effective: **26.06.02**

Next Review: **31.06**

Modification History

19.12.12: New Procedure. Approved by President's Policy Committee on December 12, 2019. Effective upon final approval of the Human Rights and Accessibility Policy by the Board of Governors on June 18, 2020.

23.10.20: Minor revisions to position description and process. Approved by Policy Sponsor on October 20, 2023.

26.06.02: Comprehensively revised to ensure continued alignment with the *Alberta Human Rights Act* and current operational practices at the University. Approved by President's Policy Committee (Action Log Reference: EC 2026.06.02-04.1).