



DUTY TO ACCOMMODATE POLICY

Policy Type:	Institutional	Initially Approved:	May 08, 2014
Policy Sponsor:	VP Administration	Last Revised:	January 03, 2020
Primary Contact:	Human Resources	Review Scheduled:	January 2025
Approver:	President and CEO		

A. INTENT

Alberta University of the Arts (AUArts) is committed to providing reasonable accommodation in pursuit of decreasing and/or eliminating service, employment or participation barriers to employees based on the protected grounds identified in the Alberta Human Rights Act.

B. SCOPE

This policy applies to all employees at AUArts including faculty and staff.

C. POLICY STATEMENT

1. Principles

- 1.1 AUArts is committed to equal opportunity in all areas of employment.
- 1.2 AUArts is committed to ensuring all AUArts employees are treated with dignity and respect.
- 1.3 All AUArts employees are required to act in compliance with provincial legislation regarding accommodation based on protected grounds.
- 1.4 All parties involved in efforts to accommodate have rights and responsibilities in the accommodation process.
- 1.5 AUArts shall make every effort to ensure that its employment practices are free from any discriminatory practices based on protected grounds.
- 1.6 The preferred method of accommodation will be one that maximizes the employee's dignity, autonomy, privacy and integration.
- 1.7 Reasonable accommodation decisions will take into consideration whether or not the accommodation would interfere with the rights of others to a substantial degree.
- 1.8 Reasonable accommodation will be limited if the accommodation would violate or put health and safety standards at risk.
- 1.9 All parties have the opportunity to seek review of accommodations decisions. Review decisions will be final and binding.

2. Accommodation Process

- 2.1 Employees and prospective employees are responsible for making their accommodation needs known to the appropriate authority (Immediate Manager/Human Resources) who will then consult with their respective Manager and Human Resources as appropriate.
- 2.2 Employees are responsible for providing relevant documentation and/or substantiation of accommodation needs to the appropriate authority.
- 2.3 At all times, employees are responsible for informing the University of any change in individual circumstance that may impact the need for accommodation. This change will be documented and communicated to faculty and staff as appropriate.
- 2.4 When the employee is part of a bargaining unit, both the employee and the Union or Association have a legal duty to participate in the accommodation process. When a proposed means of accommodation may interfere, disrupt, or be perceived, as contrary to the express language of the collective agreement, the Union or Association is obliged to consider all reasonable options up to the point of undue hardship.
- 2.5 Managers (Manager, Chair, Director, Vice-President, President + CEO), in consultation with their respective Vice President/President + CEO and Human Resources, shall enable equitable participation for those employees in their area of responsibility by determining the barriers affecting the employee, exploring options for the removal of barriers, and providing reasonable accommodation, to the point of undue hardship.
- 2.6 The Director, Facilities and Ancillary Services is responsible for the administration and implementation of alterations to the physical environment of University facilities in accordance with this policy at the request of Human Resources.
- 2.7 The respective Vice-President/ President + CEO and/or designates will work to resolve any complaints in an informal process through consultation with all stakeholders. In the event that an informal resolution is not achieved, the respective Vice-President/President + CEO will render a formal and binding decision.

D. DEFINITIONS

Accommodation:	Making changes to certain rules, standards, policies, workplace cultures and physical environments to ensure that they do not have a negative effect on a person because of the person's disability, religion, gender and/or any other protected ground identified in the Alberta Human Rights Act.
Bona Fide Occupational Requirement:	A limitation on individual rights that, in certain circumstances, is reasonable and justifiable. Discrimination or exclusion may be allowed if an employer can demonstrate that a discriminatory standard, policy or rule is a necessary requirement of a job.
Discrimination:	Differential treatment of individuals on the basis of certain characteristics which are protected grounds under the Alberta Human Rights Act, including race, religious beliefs, colour,

gender, disability, ancestry, age, place of origin, marital status, source of income, family status, or sexual orientation.

Duty to Accommodate: The University's legal obligation to take reasonable steps to accommodate an individual's documented need by addressing existing or potential barriers based on the protected grounds under the Alberta Human Rights Act.

Reasonable and Justifiable Discrimination: A policy, rule, standard, etc. that may have a discriminatory effect but is considered reasonable and justifiable and necessary and any attempt to accommodate will result in undue hardship for the University.

Undue Hardship: The University has a legal duty to accommodate individual needs to the point of undue hardship. Undue hardship occurs if accommodation would create onerous conditions for the University, for example, disruption to business, health and safety concerns or excessive financial costs.

E. RELATED POLICIES

- 100. Board of Governors: Code of Conduct Policy
- 800. Facilities: Animals on Campus Policy

F. RELATED LEGISLATION

- Post-Secondary Learning Act
- Alberta Human Rights Act

G. REVISION HISTORY

Date (mm/dd/yyyy)	Description of Change	Sections	Person who Entered Revision (Position Title)	Person who Authorized Revision (Position Title)
11/2019	Revisions			