



Human Rights-Based Accommodations

Accommodation refers to the modification of rules or practices to address spaces, systems, or procedures, that disadvantage or discriminate against **Code**-protected groups. As such, accommodations can be provided based on a range of **Code** grounds, including disability, family status, and creed. An accommodation does not create an unfair advantage and should not be considered a solution to an individual's problem or deficit. Rather it is a legal obligation in order to retrofit an organization that has not been designed inclusively from the outset, so that all persons can fully participate.

It is helpful to think about accommodations as having three parts:

1. Whether to accommodate

At any time, employees or students can seek confidential advice and information about their right to an accommodation. An institution must provide needed accommodations to the point of undue hardship (i.e., where the accommodation creates a major health and safety risks or excessive costs). It is important to remember that undue hardship is a very high test to meet, and any costs must be absorbed across the organization.

2. Which accommodation to provide

The duty to accommodate requires that the most appropriate accommodation be determined. Accommodation is considered appropriate if it results in equal opportunity to enjoy the same level of benefits and privileges experienced by others and meets the individual disability related needs. The most appropriate accommodation is the one that most:

- Respects dignity
- Responds to a person's individualized needs
- Allows for integration with full participation.

Accommodation should be seen as a continuum from least appropriate to the most appropriate. The highest point in the continuum of accommodation must be achieved short of undue hardship.

3. How to provide an accommodation

Sometimes even when an accommodation is provided, the process for providing the accommodation might still result in a violation of the **Code**. The procedural duties of the accommodation provider include:

- Accepting a request for accommodation in good faith, unless there are legitimate reasons for acting otherwise;
- Taking an active role in canvassing alternative approaches and possible accommodation solutions;
- Communicating regularly with a person, including updates on the status of the accommodation and next steps;
- Maintain confidentiality;
- Limiting requests for information to those related to the accommodation needs;
- Consulting with a person to determine the most appropriate accommodation;
- Implementing accommodations in a timely way; and
- Bearing the cost of any required documentation (including doctors' notes and assessments), as well as the cost of required accommodation.

Although the person seeking accommodation has a duty to assist in determining an accommodation that will meet their needs, they are not responsible for originating a solution or leading the accommodation process as this is a responsibility of the institution.