



HUMBER

THE CENTRE FOR
HUMAN RIGHTS
EQUITY & DIVERSITY
HR SERVICES



**Pathways to Human Rights
Education and Action**

SCHOOL OF HEALTH SCIENCES

**QUESTIONS
& ANSWERS
BOOKLET**

hrs.humber.ca/diversity

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INNOVATION
INCLUSION
EXCELLENCE
STUDENT CENTRED
SUSTAINABILITY

About Us



Mandate

To ensure that diversity and equity are instilled as values throughout Humber's inclusive culture.

WHAT WE DO



EDUCATE

Heighten human rights, equity and diversity awareness by providing education through human rights trainings, speaker series and one-to-one customized supports



MANAGE

Manage human rights related concerns at the College and provide early intervention services



LEAD

Lead and coordinate compliance with Accessibility for Ontarians with Disabilities Act, the Ontario Human Rights Code, and the Employment Equity Act



COLLABORATE

The Centre leads and coleads Humber's Diversity Committee, AODA Committee and the Sexual Assault Sexual Violence Committee



OUTREACH

Work with local, national, and international communities, community organizations, and postsecondary institutions

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Why This Booklet?

The Centre for Human Rights, Equity & Diversity | HR Services (the Centre) at Humber College Institute of Technology and Advanced Learning delivers a workshop titled, **“Pathways to Human Rights Education and Action,”** as part of the Part-time Teacher Orientation in the Practical Nursing, Personal Support Worker and Bachelor of Nursing programs.

The questions in the booklet were generated by participants who attended annual trainings and from frequently asked questions brought to the Centre. Responses were developed through a number of sources, including:

1. Research in the area of Human Rights and Nursing;
2. Review of resources produced by the Registered Nurses Association of Ontario (RNAO) and the College of Nurses of Ontario;
3. Humber’s Student Wellness & Accessibility Centre; and
4. Input from faculty at the School of Health Sciences.

“Always walk through life as if you have something new to learn and you will.”

-Vernon Howard,
Author and Philosopher

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Questions & Answers

1. **Question:**

In the situation that a patient refuses care from a Black or male student, would you remove the student from that situation?

Answer:

The Registered Nurses Association of Ontario¹ (RNAO) in its Policy Statement on Racism states that the association, “values diversity and recognizes that discrimination of any kind threatens the health of individuals, communities and nations as well as the provision of quality health care. It is only by working to eliminate this injustice that we, as registered nurses, are achieving our goal of speaking out for health and for nursing.”² The Policy Statement also includes the following:

There is no single answer for dealing with all incidents of racism. Instead, responses must consider the immediate needs of the nurse and the patient/client, as well as the systemic issues that need to be addressed to minimize reoccurrence of similar incidents.³

The College of Nurses of Ontario states that nurses must adhere to the practice standards outlined in, *Therapeutic Nurse-Client Relationship Revised 2006*, where nurses provide client-centered care in part by:

- o Demonstrating sensitivity and respect for the client’s choices, which have grown from the client’s individual values and beliefs, including cultural and/or religious beliefs;
- o Discussing expectations with the client and the realistic ability to meet those expectations in the context of client’s health and available resources;

- o Acknowledging biases and feelings that have developed through life experiences, and that these attitudes could affect the nurse-client relationship.

Senior leadership in the School of Health Sciences have addressed the issue by stating that, *“It is important to explain to the patient (and nursing colleagues) that the teacher will be with the student and that this is an appropriate learning experience for the student. It is just as important for patients to learn that nursing is not a gendered occupation as it is for the general public. By taking this action, if the patient still refuses, you have at least supported the student and done some education.”*

Jason Powell, Dean, School of Health Sciences, shared this reflection on the matter, *“I am a male Registered Nurse, and have experienced this discrimination first hand, from patients wishing to avoid care from a male. I always relied on the RNAO definition to guide my response. It is essential to advocate and educate, in a respectful manner in order to evoke change.”*

¹The Registered Nurses' Association of Ontario (RNAO) is the professional association representing registered nurses in Ontario.

²**Policy Statement on Racism**

<http://www.rnao.org/Page.asp?PageID=122&ContentID=1485&SiteNodeID=471>

³**Policy Statement on Racism**

<http://www.rnao.org/Page.asp?PageID=122&ContentID=1485&SiteNodeID=471>

2. Question:

Can a Clinical teacher ask in the first Clinical session for students to come forward and identify themselves in private to the teacher if they need an accommodation to be made in Clinical? Otherwise, how will the teacher know what to do for students with disabilities who require accommodations?

Answer:

When students register with Accessible Learning Services (ALS) they choose whether they would like to send their Accommodation Letter directly to their faculty or whether they would like ALS to manage this communication for them. Most students choose to have ALS manage this communication but faculty should also expect to receive some Accommodation Letters directly from students.

- o It is a good practice for faculty to make a general announcement to their classes requesting that students ensure that their Accommodation Letter has been provided to them. Faculty and students are encouraged to confidentially discuss accommodations with each other. For example, students are responsible for notifying their instructors that they are choosing to write their tests in Testing Services.
- o If faculty have questions or concerns about the accommodations, they are encouraged to contact the Accessibility Consultant for discussion and clarification. Each Accommodation Letter will include the name of the Accessibility Consultant available to answer questions about the specific accommodation request.
- o Faculty must ensure that information about accessing academic accommodations and how to contact ALS is clearly presented on their course syllabi.

3. **Question:**

Do faculty require the student's consent to discuss the disability with the Program Coordinator?

Answer:

It is best practice for a faculty member to maintain open dialogue and inform the student of any actions that would be taken upon receiving an Accommodation Letter from Accessible Learning Services (ALS) or disclosure of a need for accommodations. However, student consent is not always required.

Faculty must consider their obligations to maintain the student's privacy when determining what, if any, information can be shared without consent. Faculty are able to share information with other Humber officials when that sharing is for the purpose of carrying out a legitimate function. For example, if a faculty member was unsure how to implement a particular accommodation and needed information from their program coordinator, this is a legitimate purpose.

Faculty members are encouraged to limit disclosure to only the necessary and relevant information required to achieve their purpose. For example, it may not be necessary to provide the name of the student during the discussion.

Faculty at Humber are regulated by the Freedom of Information and Protection of Privacy Act as is ALS. This means that records (including emails to program coordinators and to ALS) may be subject to disclosure and could become public at a later date. It is important to create records with this in mind and be aware that faculty emails may be disclosed to the student at some point in the future.

“Disability is not a brave struggle or ‘courage in the face of adversity’. Disability is an art. It’s an ingenious way to live.”

-Neil Marcus,
Acclaimed Playwright, Poet, Actor and Dancer

4. Question:

If a student calls in sick or does not hand in an assignment on time, is it appropriate to ask them for a reason? For example, can I say: “Why were you late today?”

Answer:

The first step is to determine if the student is registered with Accessible Learning Services (ALS) and review the Accommodation Letter. If the letter indicates that the student may occasionally be late or absent from class, this will inform how you respond.

- o If the student is late or absent for disability-related reasons, they should be notifying you (likely via email) to let you know their absence is disability-related as per their Accommodation Letter. If they have not done so, you can contact them to confirm this if you choose to. You can also choose to do nothing especially if the lateness or absence has only occurred once or if, based on what you know about the student’s disability, you can reasonably assume that the absence is disability-related. It is important to exercise good judgement.
- o If the student was late or absent for non-disability-related reasons, you should apply the same rules/procedures that you would for any other student.
- o If the student is regularly late or absent and you are becoming concerned that the student will miss too much content and will not be able to meet the learning outcomes, we encourage you to contact the Accessibility Consultant to discuss your concerns.

The same analysis applies when a student is requesting an extension or a test deferral. You must first determine if the student is registered with ALS and what accommodations have been approved. When you have questions or concerns, contact the Accessibility Consultant.

If the student's Accommodation Letter indicates that absences, extensions or test deferrals are appropriate, do not request that the student provide you with a doctor's note before agreeing to implement the accommodation. If these accommodations appear on the letter it means that ALS has sufficient documentation on file and the student does not need to continually provide documentation.

ALS has developed a number of faculty guides which may be of assistance. These guides are available on the ALS website, humber.ca/student-life/swac.

“We have a moral duty to remove the barriers to participation for people with disabilities, and to invest sufficient funding and expertise to unlock their vast potential. It is my hope this century will mark a turning point for inclusion of people with disabilities in the lives of their societies.”

-Stephen Hawking,
Theoretical Physicist

5. Question:

What do Clinical teachers do in Clinical to accommodate a student who takes longer on a medication dosage calculation? Do we allow more time or not and how much time is reasonable knowing that when these students are nurses they will not be given extra time to do the calculations in emergency or code situations?

Answer:

The first step is to determine if the reason that the student is taking longer to complete the skill is due to disability. If the student is already registered with Accessible Learning Services (ALS), faculty should contact the Accessibility Consultant to discuss these concerns.

If the student is not registered with ALS, faculty can approach the student to discuss their observations and ask the student why they feel they are taking longer to perform the skill. The student may disclose to you that they have a disability, at which point you can refer them to ALS.

Once it is determined that the reason the student is taking longer is due to disability, the faculty member and the Accessibility Consultant must work together to determine if completing that particular skill in that particular way is an essential academic requirement. The Program Coordinator and the Associate Dean may be involved in these decisions as well as senior members of ALS.

An essential requirement are the competencies, expectations, skills and other learning outcomes that meet the following criteria:

1. Rationally connected to performance of a task/skill;
2. Adopted in good faith, belief of its necessity; and
3. Demonstrably necessary, to the point of incurring undue hardship.

“Intelligence is the ability to adapt to change.”

-Stephen Hawking,
Theoretical Physicist

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If faculty have a concern that a student cannot meet an essential academic requirement for disability-related reasons, please contact the Accessibility Consultant immediately as we have an institutional obligation to investigate and try to resolve these concerns in a timely manner.

6. Question:

If a student shows up to Clinical requiring an accommodation, what should the Clinical teacher do while pending an Accommodation Letter outlining the required accommodations from Accessibility Learning Services (ALS)?

Answer:

Clinical teachers are required to provide academic leadership and develop an effective learning environment for students. Part of this obligation may include providing disability-related accommodations in the absence of an Accommodation Letter from ALS.

For example, if a student reports that they have a back injury, faculty members should not request that the student lift a patient. If lifting is part of the course and you have concerns about the student's ability to meet the essential requirements of the course, the student should be referred to ALS. However, if lifting is not essential and this is the only accommodation that the student is requesting, registering with ALS may not be necessary. As a general rule faculty should implement accommodation requests on good faith (without an Accommodation Letter) when they are able. This may be the case when the accommodation being requested raises no concerns regarding essential requirements or academic integrity or when what is requested is something that would commonly be granted to all students such as occasional extensions.

“Educational equity refers to the processes and outcomes of educational policies, programs, and services that enable all learners to receive a quality education.”

Centre for Human Rights, Equity & Diversity Glossary
<http://hrs.humber.ca/diversity/glossary.php>

7. Question:

Can asking a student from a particular ethno-racial background to provide translation for a patient from the same ethno-racial background be interpreted as racism?

Answer:

The mandate of the Clinical program ought to identify the role of students. Students are not required to stand in as translators unless such positions are identified in the course outline with a clear rubric as to how they will be graded.

The Ontario Human Rights Commission states that “[racism] may be described as any distinction, conduct or actions, whether intentional or not, based on a person’s race, which has the effect of imposing burdens on an individual or group, not imposed upon others or which withholds or limits access to benefits available to other members of society”.⁵ The Commission’s description alludes to differential treatment based on race. Should the student report that they feel burdened and are requested to perform tasks that they are not compensated for based on their race; Humber may be liable in these instances. Students should not be assigned roles as interpreters for several reasons including the possibility of inaccurate translation. Though the student may know the language, there may be cultural nuances that they are unaware of and could provide incorrect information. Interpreters trained in the health sector should be hired for these situations.

⁵<http://www.ohrc.on.ca/en/resources/Policies/RacismPolicy/pdf>

8. Question:

How are Clinical teachers expected to deal with frequent sick calls and refusal to participate from a student with a disability?

Answer:

The first step is to determine if the student is missing Clinical for disability-related reasons. Please see question for four(4) for a discussion on this.

Assuming that the student is not registered with Accessible Learning Services (ALS) and does not have a disability, Clinical teachers are required to report low attendance to the Program Coordinator immediately as they reflect performance issues for students in the course.

“Education is the key to developing an attitude of inclusion. The practice of inclusion provides the model of acceptance, belonging, participation, worth and dignity.”

-Janis Jaffe-White and Reva Schafer,
Toronto Family Network

9. Question:

I have received an email from a former student, six months after graduation informing me of my inappropriate behaviour toward them during graduation day (e.g. excluding them and “mocking them”). I was shocked and did not know how to respond to this email.

Answer:

The faculty could refer the matter to the Associate Dean who would follow up with the student in what may be the following manner:

“Professor XX referred your concern to me for a response on behalf of the program. Professor XX was unsure how to respond but wanted to acknowledge your concern. Obviously, your perceptions of the events have bothered you sufficiently to express your concerns to the professor six months after the event. If you wish to make an appointment to discuss this with me, I would be pleased to do so. It is important to resolve the matter.”

10. Question:

Who should be informed when a patient refuses care due to the student and/or faculty's race or ethnic origin in the clinical setting? Is it up to the College or the clinical setting (i.e. hospital) to take action?

Answer:

This is a matter for the employer to respond to. Unfortunately, most employers do this ineffectively by simply reassigning staff. It is recommended that the situation get disclosed to the unit manager who will explore the issue in a supportive manner and also put forth the following position:

"I understand that you expressed a wish not to receive care from XX because of the person's racial background. This is a public hospital and all of our staff are qualified to provide care to clients. We do not discriminate on the basis of race in our employment of staff or in provision of care to patients. This extends to health professionals who are here to supervise health sciences students and the students who are under their supervision. I assure you that XX is a qualified nurse (or other provider) and that under their supervision, your care will meet our standard. I trust that you understand our position on this."

The manager should also debrief and support the faculty/student and share the incident with staff so that they know that they will be supported and what the expectations are.

"The function of freedom is to free somebody else."

-Toni Morrison,
Novelist, Editor, and Professor

11. Question:

Students and staff have complained about a student's body odour. Can I inform the student about their body odour?

Answer:

Provided below are tips on addressing the issue of body odour with students:

- o Body odour is a sensitive issue, but not a prohibited ground of discrimination. With that said, strong body odour may be a result of a disability or use of specific medications. Do not ask the person to discuss their disability with you, as this may lead to a human rights complaint.
- o It is important to manage conversations about body odour tactfully, with compassion and respect. Talk to the person in private to prevent any embarrassment.
- o Contextualize the discussion within employment and the factors necessary to be successful.
- o Begin the conversation with, "I hope you won't be offended but I am not sure if you are aware that you have a noticeable odour." Insert comments like "sometimes people are not aware themselves so I am bringing it to your attention", "I am here to understand and help you."
- o If the individual indicates they are depressed and unable to take care of their personal hygiene, you can refer them to the Student Wellness & Accessibility Centre (if student) or Employee Assistance Program (if employee).

"It always seems impossible until it's done."

- Nelson Mandela,
Former President of South Africa, Philanthropist

12. Question:

Am I required to accommodate a student who asked to bring their child to class?

Answer:

Humber College is required to provide reasonable accommodations based on Family Status. As in most human rights cases, each situation has to stand on their own merit with equitable responses. While some professors might allow children in the classroom, this is not always possible. Reasons might include but are not limited to:

- o Children can/may create distractions to learners, faculty, and the parent;
- o Depending on the program there may be safety risks. Some courses may deal with adult mature content that may impact. Students are not permitted to bring their children to Clinical classes.
- o The College has a reasonable expectation that alternative arrangements for childcare must be made by students; and
- o Humber would be responsible if a child got injured on the premises.

An example of an appropriate accommodation in this situation would be for the parent to inform the faculty of their childcare challenges, so that they may be permitted to miss class without penalty and with the opportunity to make up the lesson missed.

Recommended Readings:

Baumgart, A. Nurses and Political Action: The Legacy of Sexism
Canadian Journal of Nursing Research
30(4): 131-141, 1999

Marks, Beth. Cultural Competence Revisited: Nursing Students with Disabilities
Journal of Nursing Education
Feb 2007. vol. 46, Iss. 2

Flynn, K “I’m Glad That Someone is Telling the Nursing Story”
Writing Black Canadian Women’s History
Journal of Black Studies (Volume 38 Number 3)
January 2008 443 - 460

Etowa, J. Negotiating the Boundaries of Difference in the Professional Lives of Black Nurses
International Journal of Diversity in Organizations, Communities & Nations (Volume 7 Number 3)

Etowa, J. et al. Recruitment and Retention of Minority Students: Diversity in Nursing Education
International Journal of Nursing Education Scholarship
(Volume 2 Issue 1) 2005

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*“Not everything that is faced can be changed.
But nothing can be changed until it is faced”*

- James Baldwin

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