

## STUDENT DISABILITY POLICY

<b>Approved</b>	Academic Board
<b>Approval Date</b>	25/03/2019, 7/11/2016, 9/09/2009 Council, 2/03/2009
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<b>Responsible Officer</b>	Academic Registrar
<b>Author / Role</b>	D Speed (Dean)
<b>Related Documents (explicitly cross-referenced)</b>	Anti-Discrimination Policy Extensions of Time for Completion of Assessment Tasks and Application for Extension Form Application for Admission Form Student Grievance Policy and Procedures Student Support and Welfare Policy Students at Risk Policy
<b>Higher Education Standards (2015)</b>	
<b>National Code (2018) (if directly relevant)</b>	

The SCD accepts and endorses relevant Government definitions and regulations in respect of disability, as set out below.

### DEFINITIONS

The Commonwealth Parliament has defined what constitutes a disability under the Disability Discrimination Act (DDA) (1992). The definition under NSW anti-discrimination legislation is substantially the same. The DDA states that disability is:

- total or partial loss of the person's bodily or mental functions; or
- total or partial loss of a part of the body; or
- the presence in the body of organisms causing disease or illness; or
- the presence in the body of organisms capable of causing disease or illness; or
- the malfunction, malformation or disfigurement of a part of the person's body; or
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment, or that results in disturbed behaviour;

and includes a disability that:

- presently exists; or
- previously existed but no longer exists; or
- may exist in the future; or
- is imputed to a person.

The DDA protects people with a disability against discrimination in education in the following areas:

#### Admission

- Refusal or failure to accept an application for admission from a person with a disability.
- Accepting a person with a disability as a student on less favourable terms or conditions than others; for example, asking a person with a disability to pay higher fees.

#### Access

- Denying or limiting access to people with a disability; for example, not allowing a person to attend excursions or join in school sports, delivering lectures in an inaccessible format, inaccessible student common rooms.
- Expelling a person because of a disability.
- Subjecting a person with a disability to any other detriment.

#### Harassment

- Humiliating comments or actions about a person's disability such as insults, or comments or actions that create a hostile environment.

### **REGULATIONS**

The Disability Standards for Education 2005 specify how education and training are to be made accessible to students with a disability. They cover the following areas:

- Enrolments
- Participation
- Curriculum development, accreditation, and delivery
- Student support services
- Elimination of harassment and victimisation

Each area includes a statement of the rights or entitlements and obligations of students with disabilities in relation to education and training, consistent with the rights of the rest of the community, as well as a description of the legal obligations or responsibilities of education authorities, institutions and providers. The objects of these Standards are:

- to eliminate, as far as possible, discrimination against persons on the ground of disability in the area of education and training; and
- to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law in the area of education and training as the rest of the community; and
- to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

The Standards require education providers to take reasonable steps to ensure that students with disabilities are provided with opportunities to realise their individual potential through their participation in education and training on the same basis as students without disabilities, and that they are not subject to discrimination.

The Standards set out a process whereby education providers can meet this obligation. This includes an obligation to make Reasonable Adjustments where necessary to ensure that students with disabilities are able to participate in education and training on the same basis as students without disabilities. The process includes:

- consultation with the student;
- consideration of whether an adjustment is necessary;
- if an adjustment is necessary, identification of a Reasonable Adjustment;
- making the Reasonable Adjustment.

#### **Reasonable Adjustments**

In assessing whether a particular Adjustment for a student is reasonable, regard should be had to all the relevant circumstances and interests, including the following:

- (a) the student's disability;
- (b) the views of the student or the student's associate;
- (c) the effect of the Adjustment on the student, including the effect on the student's:
  - (i) ability to achieve learning outcomes; and
  - (ii) ability to participate in courses or programs; and
  - (iii) independence;

- (d) the effect of the proposed Adjustment on anyone else affected, including the education provider, staff, and other students;
- (e) the costs and benefits of making the Adjustment.

### SCD APPLICATIONS

In light of these Definitions and Regulations and SCD's acceptance and endorsement of them, SCD will enact the following applications of them:

1. SCD will seek information about disabilities from prospective students through its Application for Admission Form, require due reporting from the Member Institutions, and send reports on to Government agencies. Member Institutions are expected to cooperate fully in this process.
2. SCD will make provision for students to notify SCD and the Member Institution through which they are enrolled about any disability that may develop during the course of their program and seek assistance.
3. SCD will appoint a Disabilities Services Officer to oversee Disabilities Services in each Member Institution. Appropriate training will be provided to the Disability Services Officer.
4. Each Member Institution will appoint a Disabilities Services Officer to coordinate Disabilities Services for students enrolled at its campus(es) and to liaise with the SCD Disabilities Services Officer. Appropriate training will be provided by SCD to all Disability Services Officers.
5. SCD generally expects its Member Institutions to make appropriate services available at each campus. In the event that such service is not practicable (for example, that it would entail excessive time and/cost to implement), SCD will make every effort to place any new or continuing student with a disability at another Member Institution offering a similar or equivalent program at which suitable services are available. If such placement proves impossible, the SCD will provide the student with initial advice on similar awards from other providers.
6. A student who indicates a need to seek Disability Services or Reasonable Adjustments to the requirements for completion will be contacted as soon as the initial Application Form, or notification of a situation that has emerged after the initial enrolment, is received, in order to clarify the situation, the services needed, and the availability of assistance, and decisions on these matters will be made and communicated to the prospective student promptly.
7. Reasonable Adjustments would normally relate to the following areas:
  - flexibility in attendance requirements;
  - flexibility of the manner of receiving instruction;
  - flexibility in opportunities for consultation with staff;
  - flexibility in modes of assessment;
  - flexibility in due dates for assessments.
8. Particular applications might include: preservation of privacy; permissions for companion persons or dogs; availability of or viable plan for emergency health services; provision of large-print documents, note-takers, recording machines, or suitable lighting; ready access to staff, classrooms, library, toilets, refreshments; accessible entrances, ramps, reachable handles and knobs.  
  
Relevant computing software will normally be purchased by SCD and licensed to Member Institutions through which students are enrolled.
9. A student whose perception is that appropriate consideration has not been received or that Reasonable Adjustments have not been provided may seek to address the problem under the terms of the *Student Grievance Policy and Procedures*.
10. In extreme cases in which an unresolved disability comes into being or is exacerbated during candidature, an aegrotat result may be considered.