

Students with a Disability - Operational Policy

1. Purpose of policy

The University is striving to provide an accessible, supportive, safe and inclusive learning environment for students with disabilities. The University will work to ensure that prospective and current students with disabilities are afforded appropriate opportunities to enter and participate fully in the life of the University. Reasonable adjustments will be made to provide for the access, participation, retention and success of students with disabilities and staff will be assisted to help meet students' learning and support needs.

2. Policy scope and application

This policy applies to all University students, staff, and visitors.

3. Definitions

Please refer to the University's Glossary of terms for policy and procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

3.1 Direct disability discrimination

When a person with disability is treated less favourably than a person without disability in similar circumstances (and otherwise, as defined in the *Disability Discrimination Act 1992* Section 5).

3.2 Disability

As defined by the *Disability Discrimination Act* (1992) in relation to a person, disability means:

- (a) Total or partial loss of the person's bodily or mental functions; or
- (b) Total or partial loss of a part of the body; or
- (c) The presence in the body of organisms causing disease or illness; or
- (d) The presence in the body of organisms capable of causing disease or illness; or
- (e) The malfunction, malformation or disfigurement of a part of a person's body; or
- (f) A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) 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.

3.3. Inherent Academic Requirements

The inherent academic requirements of a program are those fundamental skills, capabilities and knowledge that students must be able to demonstrate in order to achieve the essential learning outcomes of the program, while maintaining the academic integrity of that program.

3.4 Indirect disability discrimination

APPROVAL AUTHORITY

Vice-Chancellor and President

RESPONSIBLE EXECUTIVE MEMBER

Deputy Vice-Chancellor (Academic)

DESIGNATED OFFICER

Pro Vice-Chancellor (Students)

FIRST APPROVED

7 October 2003

LAST AMENDED

1 June 2018

REVIEW DATE

26 October 2021

STATUS

Active

Indirect disability discrimination is considered to occur if a person with a disability is not able to comply with a requirement or condition, because of their disability. The requirement or condition will also be likely to have the effect of disadvantaging persons with disability in a way that is not reasonable (and otherwise as defined in the *Disability Discrimination Act 1992*, Section 6).

3.5 Reasonable Adjustments

The *Disability Discrimination Act* provides for the fact that a person with a disability may require reasonable adjustments in order to ensure equal participation in work or study. The aim of reasonable adjustments is to provide negotiated measures to ensure that students with disabilities have equality of access to education. Such adjustments are not intended to compromise academic standards or to provide an undue advantage to students with a disability. A student must be able to fulfil the inherent requirements as described to undertake a course of study, unless their inability can be overcome by making a reasonable adjustment. In practice, the principle of reasonable adjustment allows that whenever it is possible, necessary or reasonable to do so, the usual policy or practice will be varied to meet the needs of a person with a disability. Examples of reasonable adjustments include variations to examinations and assessments, provision of adaptive equipment and modifying course delivery methods.

3.6. Universal Design

"The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design" (NC State University, The Center for Universal Design, 1997). See also Appendix A.

3.7 Unjustifiable hardship

If the organisation can prove that the accommodations or adjustments would impose an unjustifiable hardship on the organisation, it is not legally bound to make the accommodations or adjustments.

In determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are taken into account including:

- the nature of the benefit or detriment likely to accrue or be experienced by any persons concerned;
- the effect of the disability on the person concerned;
- the financial circumstances and the estimated amount of expenditure required to be made by the organisation claiming unjustifiable hardship; and
- in the case of the provision of services, or the making available of facilities, the commitments contained in the action plan given to the Australian Human Rights Commission.

4. Principles

4.1 Students with disability will have equitable access and practical support to participate fully in the life of the University, including but not limited to:

- access to services and events;
- access to buildings and facilities;
- receiving information in accessible formats;
- receiving a high quality service from staff;
- opportunities to make complaints and provide feedback;
- opportunities to participate in public consultation; and
- opportunities for employment at the University.

4.2 The University will strive to apply principles of Universal Design in its design of facilities, buildings, curriculum and services.

4.3 The University will make reasonable adjustments to course content, delivery and assessment methods without compromising the academic standards or inherent academic requirements of the course, or giving a student an undue academic advantage. The University is not required to provide an adjustment that would impose unjustifiable hardship or compromise the health and welfare of the student or others.

4.4 The University will provide resources and staff development opportunities to assist staff to meet the learning and support needs of students with disabilities, including inclusive teaching and learning strategies such as universal design for instruction and assessment practices.

4.5 The University's Disability Action Plan contains the agreed statement of goals and intended action for a three-year period and forms part of the implementation of this Policy.

4.6 In order to obtain support and reasonable adjustments, students shall provide documentation from a qualified and relevant health professional regarding their disability, to the University's AccessAbility Services staff.

4.7 Staff will respect students' rights to confidentiality and decision to disclose personal information however students will be encouraged to discuss (or allow AccessAbility Services staff to discuss) the effect of their disability on their learning, with staff who are asked to make reasonable adjustments.

4.8 Statistical information on enrolment, retention, participation and success rates of students with disabilities will be recorded in order to facilitate planning for the continued development of quality services.

4.9 The University will foster positive informed and unprejudiced attitudes towards students with disability amongst its staff and students.

For further information, see <https://www.usc.edu.au/learn/student-support/accessability-services>

References

NC State University, The Center for Universal Design (1997). *The Principles of Universal Design*, Version 2.0, Raleigh, NC: North Carolina State University. Available online https://www.ncsu.edu/ncsu/design/cud/about_ud/udprinciplestext.htm

Burgstahler, S. (2015). *Universal Design of Instruction (UDI): Definition, Principles, Guidelines, and Examples*. Seattle: DO-IT, University of Washington. Available online <http://www.washington.edu/doit/universal-design-instruction-udi-definition-principles-guidelines-and-examples>

END

Appendix 1

Resources on Universal Design and inclusive teaching strategies are made available for staff on MyUSC.
<https://my.usc.edu.au/student-success/supporting-student-learning/supporting-students-with-disabilities>

RELATED DOCUMENTS

- Anti-Discrimination and Freedom from Bullying and Harassment - Governing Policy
- Assessment: Courses and Coursework Programs - Procedures
- Coursework Curriculum - Academic Policy
- Deferred Examinations - Procedures
- Equity, Diversity and Inclusion - Governing Policy
- Health, Safety and Wellbeing - Governing Policy
- Marketing and External Engagement - Operational Policy
- Review of Assessment and Final Grade - Procedures
- Staff Code of Conduct - Governing Policy
- Student Grievance Resolution - Governing Policy
- Student Grievances - Procedures
- Student Review and Appeals - Procedures
- Work Integrated Learning (Placement) - Procedures

RELATED LEGISLATION / STANDARDS

- Anti-Discrimination Act 1991 (Qld)
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005 (Cth)
- Human Rights Act 2019 (Qld)