

Replaces (please remove) section 6.8 Issued 04/08

6.8 STUDENTS WITH A DISABILITY POLICY

Reference Number (Records & Archives Services' file number):	
Purpose:	To provide an environment where students with a disability are appropriately supported and encouraged and are free from discrimination or harassment.
Scope and Application:	This policy applies to all students involved in University related activities including students visiting from another institution.
Exclusions (if any):	
Responsible Officer:	Chief Operating Officer, University Services
Policy type/category (Governance/Management):	Management
Related external legislation/regulations/guidelines:	<p>Commonwealth legislation <i>Human Rights and Equal Opportunity Commission Act 1986</i> <i>Equal Opportunity (Commonwealth Authorities) Act 1987</i> <i>Disability Discrimination Act 1992</i> <i>Workplace Relations Act 1996</i> <i>Equal Opportunity for Women in the Workplace Act 1999</i> <i>Disability Standards for Education 2005</i></p> <p>State legislation <i>Anti-Discrimination Act 1991</i> <i>Workplace Health and Safety Act 1995</i> <i>The University of Southern Queensland Act 1998</i> <i>Disability Services Act 2006</i></p>
Associated USQ policies:	HR Policy C2: Anti-Discrimination and Freedom from Harassment HR Policy C1: Code of Conduct
Approval authority:	Council
Effective date	03/08
Review date:	2010
Last reviewed:	Initial Issue

1. Principles, Purpose and Scope

1.1 Statement of Principles

The University of Southern Queensland supports the principle of universal access for all students, including those with a disability, to its services and facilities. The University will strive to ensure that no students are disadvantaged in their participation in any aspect of university life as a result of a disability.

The University commits to the provision of a study environment where students will not be subject to discrimination or harassment because of a disability. Discrimination, harassment, vilification and victimisation are covered in more detail in the University's Anti-Discrimination and Freedom from Harassment Policy.

The University aims, as far as possible, to eliminate disability discrimination; to ensure that people with disabilities have the same rights as the rest of the community; and to promote recognition and acceptance of these rights within the campus community.

1.2 Purpose of the Policy

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1.2.1 The purpose of this Policy is to:

- a. Promote and foster an environment which encourages positive, informed and unprejudiced attitudes towards people with a disability.
- b. Implement procedures for any reasonable adjustments needed by students with a disability.
- c. Ensure that positive and practical steps will be undertaken to enable people with disabilities to seek employment or student enrolment within the University of Southern Queensland.
- d. Employ all reasonable and appropriate teaching strategies and methods without compromising the essential content of a course or the requirement to demonstrate essential skills or knowledge.
- e. Ensure that the needs of people with a disability are met in relation to the physical environment of each campus, including buildings, facilities and grounds, whilst supporting online accessibility and compliance with W3C (World Wide Web Consortium) for people with a disability who study off-campus.

1.3 Organisational Scope

This policy applies to all students involved in University related activities including students visiting from another institution.

1.4 Relevant Legislation

Commonwealth Legislation

Human Rights and Equal Opportunity Commission Act 1986

Equal Opportunity (Commonwealth Authorities) Act 1987

Disability Discrimination Act 1992

Workplace Relations Act 1996

Disability Standards for Education 2005

State Legislation

Anti-Discrimination Act 1991

Public Sector Ethics Act 1994

Workplace Health and Safety Act 1995

The University of Southern Queensland Act 1998

Disability Services Act 2006

1.5 Definitions

1.5.1 A “disability” is defined by the Commonwealth Disability Discrimination Act 1992 as:

- total or partial loss of a 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 a 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 effects a person’s thought processes, perception of reality, emotions or judgement that results in disturbed behaviour.

1.5.2 The definition refers to a disability that now exists, existed in the past, but no longer exists, or can be expected to exist in the future.

1.5.3 Natural justice is the term used to refer to a process that is fair to all parties and free of bias. The principles include the right for a respondent to be heard before any decision which has the potential to affect them is made; the right to be informed of allegations made; the right of response; the right to representation and the right to consistency in the organisational approach to issues.

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2.0 Application

2.1 Conduct of University Operations

- 2.1.1 The University acknowledges that it has a responsibility to conduct its operations in ways that do not disadvantage people with a disability, as described under the Commonwealth Disability Discrimination Act 1992 and the Queensland Disability Services Act 2006. These Acts make it unlawful to discriminate in the provision of goods, services or facilities, including all services and facilities provided by tertiary education institutions, against people on the basis that they have, or may have, a disability. They also make it unlawful to discriminate against a person on the basis that one of their associates (partner, carer, friend, family member or work colleague) has, or may have, a disability.
- 2.1.2 The University recommends effective, open communication with relevant support personnel in the identification of reasonable adjustments to ensure the specific needs of staff and students are met. The type and scope of adjustment will depend on the nature of the disability of the student and the nature of the study or work being undertaken.
- 2.1.3 The University has established Disability Resources and associated personnel to support registered students through the provision of:
- disability needs assessment
 - coordination of support
 - subsequent notification to and liaison with academic and administrative employees

3.0 Procedures

3.1 Disclosure of a Disability by a Student

- 3.1.1 Students who have an illness or disability, who wish the University to adjust a process, policy or procedure or wish the University to provide equipment or other physical aids, must first register with Disability Resources and disclose the nature and extent of the illness or disability.
- 3.1.2 The nature of the illness or disability must be substantiated by appropriate medical documentation. Documentation provided by students to support their disability must be dated and signed by the appropriate health or disability professional, and should be:
- No more than two weeks old for temporary conditions.
 - No more than six months old for fluctuating conditions.
 - No more than three years old for a learning disability.
 - There is no restriction on the age of documentation for a permanent disability.
- 3.1.3 The documentation provided should be specific and:
- State the impairment, mental health or medical condition.
 - Indicate whether the disability is permanent, temporary, or fluctuating.
 - Outline the impact on the student.
 - Recommend reasonable accommodations.
 - Clearly identify the health professional and their credentials.
 - Be legible, on a letterhead, dated and signed.
- 3.1.4 The student must attend either a face to face or telephone interview with Disability Resources personnel and on the basis of this assessment a formal plan will be collaboratively developed and implemented with university staff.
- 3.1.5 Disability Resources personnel will provide a pro-forma memo to students regarding notification of the disability, which must be approved by the student before sending to course examiners to inform them of the required accommodations. The level of disclosure to examiners is determined by the student based on the information provided on the consent form. A faculty report is created and sent to the

Faculty Disability Contact Officers for distribution to the relevant lecturers prior to the exam period. This report outlines any exam negotiations that a student will receive in relation to the course.

- 3.1.6 No further notification will be sent to examiners by Disability Resources throughout the student's course unless there is a need to change accommodations and/or support. Students are responsible for notifying new lecturers each semester themselves.
- 3.1.7 All information collected by the University on the student's disability will be in accordance with the University's Privacy Policy. No information will be disclosed without signed consent from the student. Students may provide full consent, part consent or no consent for disclosure. Where full disclosure is not provided, the student must be aware that this may limit Disability Resources Personnel in their ability to assist in implementing any adjustments required to accommodate the disability. To clarify the rights and responsibilities associated with the disclosure of information regarding a student's disability, refer to Disability Resource's webpage on Privacy and Confidentiality.
- 3.2 Reasonable adjustment
- 3.2.1 An adjustment is reasonable if it successfully balances the interests of all parties affected. Ultimately, the consideration of what is reasonable may be up to the law courts. As a guide, the following principles should be taken into consideration:
- 3.2.2 Reasonable adjustments for students are measures taken by the University to enable students to have full access to the provision of all educational services such as:
- (a) Admission and enrolment
 - (b) Participation in a course or program
 - (c) Use of facilities and services
- on the same basis as a student without a disability. The adjustment may take the form of an aid, a facility or a service that the student requires because of his or her disability.
- 3.2.3 Appropriate adjustments will be provided in consultation with the student, within a reasonable time after notification of the need for adjustments. Adjustments provided for students with disabilities must meet the academic requirements of the course or program studied as well as any inherent or essential requirements or components of the course of study.
- 3.3 Examination adjustments for students with disabilities
- 3.3.1 The University will make adjustments to examinations for students with a disability (including students with chronic medical conditions), to provide students with an equitable opportunity to demonstrate their knowledge and competency for assessment purposes. Students must first comply with the requirements stated under Section 3.1 of this policy and the Disability Resources Handbook timeframes for exam adjustment requests.
- 3.3.2 Alternate arrangements for examinations will be recommended after considering standard practices that redress the impact of a student's disability on their performance in examinations. These may include adjustments such as:
- Extensions of time
 - Use of assistive technology
 - A separate room
 - Use of reader, scribe or computer where necessary
 - Use of ergonomic chair
 - Alternative formatting of exam papers
 - Negotiation of an alternative assessment.
- 3.4 Exceptions under the legislation
- 3.4.1 The following are identified under the Commonwealth Disability Discrimination Act 1992 as exceptions to the requirement for provision of all necessary measures and reasonable adjustments for students with a disability:

- (a) Where provision of adjustments or measures would impose unjustifiable hardship on the University;
 - (b) Where, even with the provision of all appropriate adjustments, the student remains unable to fulfil the inherent requirements of a course of study;
 - (c) Where the provision of adjustments or measures would undermine the academic integrity of the course of study, assessment or accreditation process; and
 - (d) Where a student with a disability has an infectious disease or other condition that requires isolation or discrimination in order to protect their health and welfare or the health and welfare of others, and where the University is unable to provide reasonable adjustments that will enable the student to receive relevant services and facilities so that they may continue with their studies;
 - (e) Where even with the provision of all appropriate adjustments, it is not possible to meet occupational health and safety requirements.
- 3.4.2 Unjustifiable hardship as described by the Disability Discrimination Act, provides that for the purposes of the Act, in determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account including:
- (a) the nature of the benefit or detriment likely to accrue or be suffered by an persons concerned; and
 - (b) the effect of the disability of a person concerned; and
 - (c) the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship; and
 - (d) in the case of provision of services, or the making available of facilities – an action plan given to the Commission under Section 64 of the Act.
- 3.5 Managing Complaints
- 3.5.1 Complaints of discrimination and harassment will be treated seriously by the University and will be managed promptly in a thorough and confidential manner. The principle of natural justice will apply and will guide the application of this policy and associated procedures.
- 3.5.2 The complaint resolution process will be carried out in good faith and complaints that are frivolous, vexatious, misconceived or lacking in substance will be rejected in a preliminary investigation if the facts indicate this. The University may initiate disciplinary procedure investigations immediately in response to allegations of conduct or behaviour that may be considered misconduct.
- 3.5.3 Resolution procedures for employee complaints of discrimination and harassment reside with Human Resources. Resolution policy and procedures of student complaints of discrimination and harassment reside with the Student Equity Office.
- 3.6 Where to resolve issues of disability discrimination
- 3.6.1 Students seeking to resolve issues of discrimination and harassment can seek support and information initially from a Harassment Contact Officer or the Coordinator, Disability Resources, Toowoomba Campus.
- 3.7 References
- Australian National University, 2005 *“Disability Policy”*
- Australian Vice-Chancellors’ Committee, 2006 *“AVCC Guidelines relating to Students with a Disability”*
- Commonwealth of Australia, 2005 *“Disability Standards for Education”*
- Human Rights and Equal Opportunity Commission, *“Good Practice, Good Business: Disability Discrimination and Harassment”*