

Version	2.1
Short description	This policy is to assist in the elimination of discrimination against a person on the grounds of that person's disability.
Relevant to	All staff and students
Authority	Executive Committee
Policy owner	Equity Officer
Responsible office	People & Culture
Date approved	October 2016
Date effective	October 2016
Review due	October 2019
Related Avondale documents	
Related legislation	<p>Disability Discrimination Act 1992 (Latest amendment June 2015)</p> <p>Disability Discrimination and Other Human Rights Legislation Amendment Act 2009</p> <p>Disability Services Act (National Standards for Disability Services) Determination 2014</p>
Key words	Disability, Discrimination, Equity, Reasonable adjustment, Support

1. PURPOSE

- 1.1 This policy outlines the Avondale University (Avondale) approach to ensuring that, as far as circumstances reasonably allow, there is no discrimination against a person on the grounds of that person's disability.
- 1.2 The objectives of this program are to:
 - a) provide equal opportunity for all students and staff and to demonstrate appreciation for values diversity.
 - b) address inclusion in a positive and functional manner.
 - c) recognise the right of people with disabilities and special needs to access and participate in higher education and employment.

2. SCOPE

- 2.1 This document outlines Avondale's policy for students and staff who have disabilities, along with their carers, families and professional health practitioners. It is also a guide for both professional and academic staff who interact with these students and staff members.

3. REFERENCES

- 3.1 This policy should be read in conjunction with:
 - 'Guide for Verification of a Disability'.
 - Avondale's Bullying, Harassment & Discrimination Policy.
 - Avondale's policy on Admission to Higher Education Undergraduate Courses.
 - Avondale's Assessment Policy & Procedure (HE Coursework).
 - Avondale's Examination Procedure.

4. DEFINITIONS

- 4.1 **Disability** – For the purpose of this document, "disability" has the same meaning as defined in the Disability Discrimination Act 1992, UPDATE No.135 of 1992 (see Appendix A).
- 4.2 **Disability Discrimination** - when a person is treated less favourably, or not given the same opportunities as others in a similar situation, because of their disability. It can also occur when an unreasonable rule or policy is the same for everyone but has an unfair effect on people with a particular disability.
- 4.3 **Adjustment** – “a measure or action (or a group of measures or actions) taken by an education provider that has the effect of assisting a student with a disability” (Commonwealth of Australia, 2005).
- 4.4 **Avondale** - means Avondale University.
- 4.5 **Equity** – the quality of being fair and impartial.

5. GENERAL INFORMATION

Confidentiality

- 5.1 Information provided to Avondale in relation to a disability will be treated as confidential and revealed only with the student or staff member's permission. The student and staff member need to be aware that it may be more difficult to make appropriate adjustments and special arrangements if the nature of a disability is kept private from those who need to know in order to facilitate either the student's learning or staff member's work support.

Physical Access

- 5.2 Avondale was established in 1897 and several buildings predate current disability access standards. As resources allow, Avondale is modifying building access to cater to the needs of students with disabilities.
- 5.3 In the design of new buildings Avondale will ensure that there is conformity with appropriate Australian standards and that the level of access and the facilities required for students with disabilities is considered with expert advice being sought.

Discrimination, Harassment and Bullying

- 5.4 Any form of discrimination, harassment or bullying on the basis of disability is prohibited.
- 5.5 Avondale will encourage an inclusive culture, in a secure and safe environment for all staff and students through the provision of relevant induction and professional development programs. This will involve advancing:
- a) an awareness of the principles of equality of academic opportunity for people with disabilities;
 - b) appropriate language and attitudes in reference to people with disabilities;
 - c) a general familiarity with the support services provided by Avondale for people with disabilities;
 - d) a knowledge of teaching and assessment strategies appropriate for students with disabilities;
 - e) knowledge and a spirit of cooperation to implement 'reasonable adjustments' for both staff and students.

Language

- 5.6 Avondale will foster the use of inclusive language and will make every effort to ensure only appropriate language is used when referring to disabilities.

Grievances

- 5.7 If a student or staff member with a disability has a grievance in relation to a disability (including access) or equity matters they are encouraged to use Avondale's Grievance procedures, as appropriate, outlined in the 'Complaint Resolution Policy & Procedure'.

6. ISSUES SPECIFIC TO STUDENTS

- 6.1 Avondale's Equity Officer has been appointed to support potential or enrolled students, who have verified disabilities or chronic health conditions, to have any potential barriers to their success in education minimised by assisting them with the arrangement of any required reasonable adjustments.

- 6.2 Flexible approaches to learning and assessment are encouraged, where appropriate, to help meet the diverse needs of all students, not just those with disabilities. However, it is recognised that there are some specific activities and skills that are expected or required depending on the qualification being sought. In order to provide an environment that fosters learning, reasonable adjustments such as procedural variations and/or alternative assessment strategies, are available to assist students with substantiated disabilities (see appendix b), where the required demonstration of skills are not compromised.
- 6.3 Prospective and current students with a disability are encouraged to notify the Equity Officer of their disability prior to the commencement of each relevant teaching period. This notification can be made by:
- a) A declaration on the enrolment form; or
 - b) Submitting a 'disability support application' (see appendix c) form; or
 - c) Contacting the equity officer (ph. 02 4980 2293)
- Email: equityofficer@avondale.edu.au
- 6.4 Students need to understand that failure to submit an application for adjustments and supporting documentation in a timely manner could impact the implementation of required adjustments and therefore their academic progress and success.

Admission

- 6.5 Applicants with disabilities will be assessed under the same criteria as applies to all other applicants and are subject to meeting course entry requirements.
- 6.6 Avondale endorses the Disability Discrimination Act (1992) and does not "discriminate against a person on the grounds of disability. This includes refusing to accept a person's application for admission as a student because of their disability, imposing terms and conditions upon the student that are not otherwise imposed on students without a disability, denying access to benefits provided or available to other students or excluding the student because of a disability".

Academic support

- 6.7 Avondale is committed to making reasonable adjustments to accommodate students with disabilities or chronic health conditions. However, in so doing it will not compromise the academic standard or any essential component of a program.
- 6.8 The following statement will be included in all Unit Outlines: "Any student with a disability or chronic health condition who may require reasonable learning and/or assessment adjustments in this unit is requested to seek advice and/or assistance from the Avondale Equity Officer at the commencement of the teaching period."
- 6.9 Policies and processes which already exist for students to request assessment extensions and deferred examinations also apply to students with disabilities or chronic health conditions and are not the responsibility of the Equity Officer.

Application for and implementation of adjustments for a disability/chronic health condition

- 6.10 To apply for learning and/or assessment adjustments the student completes and submits the 'Disability Support Application' (See Appendix C) to the Equity Officer.

- 6.11 Documentation from an appropriate registered health practitioner (e.g. doctor, physiotherapist, psychologist; see Appendix C, D & E) is required. Such documentation should confirm the presence and nature of the disability or chronic health condition and recommend the type/s of adjustment required and must be no older than two years when first submitted to the Equity Office. An updated version will be required every two years.
- 6.12 Submission of 'Disability Support Application' registers the student with the Equity Office and allows the Equity Officer to proceed with helping the student (or prospective student).
- 6.13 The Equity Officer will consult with the relevant lecturer and course convenor when considering an application for special adjustments related to a student's academic program. Should agreement not be reached, the matter shall be referred to the faculty dean for a final decision.
- 6.14 Where special adjustments are required in relation to learning and/or assessment procedures the Equity Officer discusses these with the student and assists him/her to communicate with the relevant Faculty Officer and lecturer/s to determine the student's specific requirements and appropriate options.
- 6.15 If the assessment procedures involve end of semester examinations held in the official examination period, the Academic Registrar is to be consulted for examinations held on the Lake Macquarie Campus and the course convenor of the Bachelor of Nursing course for examinations held on the Sydney Campus, to determine that they can be implemented.
- 6.16 Except in extenuating circumstances, applications for special adjustments in examinations are to be made prior to the publication of the draft examination timetable for the relevant semester.
- 6.17 The Equity Officer assists the student to arrange any other special non-academic services required, due to the disability or chronic health condition.
- 6.18 Where it is determined that special learning and/or assessment adjustments will be implemented for the student, it will be confirmed in writing by the relevant lecturer or Faculty Officer, or in the case of adjustments for examinations, by the Academic Registrar, and copies sent to:
 - a) The student (or prospective student)
 - b) The relevant lecturer/s
 - c) The equity officer
- 6.19 This written confirmation should be received by the student:
 - a) by the 7th academic day of the teaching period in regard to learning and assessment procedures during the teaching period, and
 - b) by the 10th academic day following publication of the final examination timetable for examinations held in the official examination week.
- 6.20 The relevant Faculty Officer monitors the implementation of the special learning and/or assessment procedures during the teaching period to ensure they are consistent with what was approved.
- 6.21 Where circumstances change for a student in respect to his/her disability or chronic health condition, the student (or family member designated by the student) is to inform the Equity Officer of the change, in writing, as soon as possible to enable a review of the adjustments provided for the student.

7. ISSUES SPECIFIC TO STAFF

- 7.1 The Equity Officer and Human Resources (HR) Manager have been appointed to support staff with a disability in their work activities at Avondale.
- 7.2 Staff with a disability are encouraged to notify the HR Manager of their disability as they require support.

Recruitment and Employment

- 7.3 Staff with disabilities will be assessed in line with The Disability Discrimination Act (cited in Australian Human Rights Commission, 2015). This act covers people who have temporary and permanent disabilities; physical, “intellectual, sensory, neurological, learning and psychosocial disabilities; diseases or illnesses; physical disfigurement; medical conditions and work-related injuries.”
- 7.4 Avondale has a “legal obligation to remove barriers that people with disabilities may face at work” (Australian Human Rights Commission, 2015). In doing so, Avondale will make ‘reasonable adjustments’ to assist prospective or current employees. However, this will not apply “where a person cannot perform the inherent requirements of a job after reasonable adjustments have been made” (Australian Human Rights Commission, 2015).

8. RELATED DOCUMENTS

8.1 Documentation

- Australian Human Rights Commission (2015) Disability Discrimination
<https://www.humanrights.gov.au/quick-guide/12028>
- Disability Discrimination Act (1992), No. 135, 1992, Compilation No. 30
<https://www.legislation.gov.au/Details/C2015C00252>
- Commonwealth of Australia, Disability Standards for Education (2005)
https://docs.education.gov.au/system/files/doc/other/disability_standards_for_education_2005_plus_guidance_notes.pdf

9. APPENDICES (or ATTACHMENTS)

- i. Appendix A – Disability Definition
- ii. Appendix B – Assistance with Substantiated Disabilities

Table of amendments

Version Number	2.1	Replaces Version	2.0
Implementation Date	October 2016	Scheduled Review Date	October 2019
Approving Body	Executive Committee	Approval Date	October 2019
Policy Owner	Equity Officer	Date first introduced	Unknown
Short description of amendment	V2.1 <i>March 2023: updated branding, nomenclature and position titles, as relevant.</i>		
	V2.0 <ul style="list-style-type: none">• Updated to new template.• Students and staff combined into one policy.• Reference to Disability Standards for Education (2005) made.		

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| | <ul style="list-style-type: none">• Term 'provisions' changed to 'adjustments'.• Staff responsible for requests for assessment extensions and deferred examinations made clear by noting that relevant policies and processes apply.• Update of sources used to inform the policy. |
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Appendix A

Disability Definition

Disability Discrimination Act 1992 No. 135, 1992, Compilation No. 30

Disability, in relation to a person, 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 the 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:

- (h) presently exists; or
- (i) previously existed but no longer exists; or
- (j) may exist in the future (including because of a genetic predisposition to that disability); or
- (k) is imputed to a person.

To avoid doubt, a **disability** that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

Appendix B

Assistance with Substantiated Disabilities

In order to provide an environment that fosters learning, procedural variations and/or alternative assessment strategies are available to assist students with substantiated disabilities, if required, and may include:

- relocating class sessions to a more accessible location, where feasible;
- allowing a student to take notes by alternative means (e.g. laptop computer, digital recording) or providing scribes or lecture notes, where taking notes is difficult. Steps should be taken to cause minimal disruption to other students where such arrangements are in place;
- providing printed material in larger print or on appropriately coloured paper if required;
- modifying assessment arrangements (while still meeting normal academic standards), and may include allowing:
 - alternative modes for the presentation of assignment work or the sitting of tests or examinations (e.g. oral rather than written);
 - extra time for the completion of tests or examinations where a disability is likely to impede the student's speed of performance. Additional time would normally be allowed at the rate of 5 minutes per half hour of examination;
 - a laptop or desk top computer, provided by Avondale, to be used by the student in tests or examinations where the student's handwriting ability may pose a serious disadvantage (e.g. temporary injury to dominant hand). In such circumstances the student would be located in an area that minimises disturbance to other students;
 - a scribe to write for the student in tests or examinations where the disability prevents writing or use of a computer. In such circumstances the student would be located in an area that prevents disturbance to other students;
 - a reader for the student in tests or examinations where the disability prevents reading a written paper. In such circumstances the student would be located in an area that prevents disturbance to other students;
 - a computer reader program in tests or examinations where the disability prevents reading a written paper.
- ensuring examination venues are accessible;
- allowing an alternative subject or course component (if non-essential) where the disability prevents a student fulfilling a particular requirement. The Faculty Officer and Lecturer would need to approve the change; and
- as resources permit, supplying or lending appropriate equipment required as a result of a disability, to allow a student to participate in learning activities and to access services provided by other academic support services (e.g. library, IT).

- extra time for the submission of assessment tasks and sitting of tests and examinations as allowed under policies and processes associated with the extension of assessment deadlines and deferred examinations;