



## DISABILITY Policy

### DEFINITIONS

Terms in this document, for which definitions are not provided in the text or may not be self-evident or for which usage at ACC may differ to that in other higher education institutions are as follows:

**Disability Discrimination Act 1992:** The Disability Discrimination Act 1992 (DDA) makes it unlawful to discriminate against a person, in many areas of public life, including employment, education, getting or using services, renting or buying a house or unit, and accessing public places, because of their disability.

The DDA 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. It extends to disabilities that people have had in the past and potential future disabilities, as well as disabilities that people are assumed to have.

The DDA protects people with disabilities who may be discriminated against because they are accompanied by an assistant, interpreter or reader; they are accompanied by a trained animal, such as a guide, hearing or assistance dog; or they use equipment or an aid, such as a wheelchair or a hearing aid.

**Discrimination:** To treat an individual less favourably because of an attribute or to impose unreasonable terms or conditions for which individuals with a particular attribute are unable to comply. Discrimination can be either direct or indirect. Direct discrimination takes place when an individual is disadvantaged or treated less favourably than another person. Direct discrimination can occur regardless of the discriminator's motive and whether or not he or she is aware of the discrimination or considers the treatment less favourable. Indirect discrimination happens when a practice or policy appears to be fair because it treats everyone the same way but actually disadvantages people from a particular group.

**Harassment:** means any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate. Harassment can be based on any of the attributes listed under the definition of discrimination and for example can include sexual, disability, racial, sexuality or gender based harassment.

**Inherent requirements:** The capabilities, knowledge and skills (physical, cognitive and behavioural) that are essential to achieve the core learning outcomes of a course or to satisfy curriculum requirements, identified in the ACC policy on inherent requirements.

**Reasonable adjustment:** A measure or action taken by the ACC which enables a student with disability to participate in their studies on the same basis as a student without a disability. An adjustment is reasonable if it balances the interests of all affected parties.

**Student with disability:** A student identified as having a disability as defined under the Disability Discrimination Act 1992 (Cth).

**Universal Access:** a high level of accessibility within the built environment (including all of the facilities within it) for people of all abilities enabled by the design of the environment to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design.

**Unjustifiable hardship:** Accommodations or adjustments that would impose an excessive burden on the College, staff or other students, in which case 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

**Victimisation:** Treating someone unfairly because they have made, or intend to make, a discrimination or harassment complaint. This also includes those who have supported another person in making a complaint.

**Workplace bullying:** Repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety.

## PURPOSE

The ACC is committed to ensuring that staff, students and visitors with a disability are appropriately supported and free from discrimination.

The aim of this policy is to articulate the ACC's approach to fostering a supportive learning and workplace environment for staff, students and visitors with a disability.

## POLICY STATEMENT

### Principles

The ACC recognises the diversity of students and staff and other stakeholders in the ACC community and is committed to creating an inclusive learning and workplace environment.

The ACC aims, as far as practical and reasonable, 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.

The ACC supports the principle of Universal Access for all students, including those with a disability, to its services and facilities. The ACC will strive to ensure that no students are disadvantaged in their participation in College life as a result of a disability.

Discrimination, Harassment, Victimisation, Workplace bullying, and other forms of practice that disadvantage staff and students are not tolerated at the ACC. The ACC commits to the provision of a study and workplace environment where students and staff will not be subject to discrimination or harassment because of a disability.

The ACC will ensure that strategies are developed and sustained to establish an inclusive place to work and study. The ACC will use educative approaches for the prevention of discrimination and harassment. Discrimination and harassment are covered in more detail in the ACC's Equity Policy.

### Aims

Through this Policy and related protocols and practices, the ACC aims to:

- Promote positive and informed attitudes towards people with a disability as an integral part of the ACC culture and values.
- Take practical steps to enable people with disabilities to seek employment or student enrolment at the ACC.

- Develop and implement procedures and protocols for any reasonable adjustments needed by students and staff with a disability.
- Employ all reasonable and appropriate teaching strategies and methods without compromising the essential content of a course or the requirement for students and staff to demonstrate essential skills or knowledge.
- Promote a physical environment, including buildings, facilities and grounds, to ensure that the needs of people with a disability are met, and also support online accessibility.

### **Disclosure of a disability**

To enable implementation of this policy, students or staff who have an illness or disability and who wish the ACC to adjust a process, policy or procedure or wish the ACC to provide reasonable adjustments, are required to firstly disclose the nature and extent of the illness or disability. Such adjustments may include but are not limited to exam/assessment adjustments, support workers or assistive technology such as equipment or other physical aids.

This must be supported by the provision of appropriate medical documentation, dated and signed by an appropriate health or disability professional, outlining the state of impairment or condition, the impact on the staff member or student, and recommended reasonable accommodations.

A formal plan will be collaboratively developed with ACC professional staff, or the ACC's nominated contractor, and a notification generated which lists all approved reasonable adjustments. Adjustments relating to teaching and learning environments or activities will be negotiated with the Academic Dean. Students will be responsible for providing the notification to relevant teaching and assessment staff at the commencement of each semester, unless otherwise advised by ACC professional staff.

### **Reasonable Adjustments**

An adjustment is considered reasonable if it successfully balances the interests of all parties affected.

Reasonable adjustments for students are measures taken by the ACC to enable students to have full access to the provision of all educational services on the same basis as students without a disability, such as:

- Admission and enrolment.
- Participation in a course or program.
- Use of facilities and services.

The adjustment may take the form of an aid, a facility or a service that the student requires because of his or her or their disability. Adjustments provided for students with disabilities must meet the academic requirements of the course or program studied as well as any Inherent Requirements or components of the course of study.

### **Exceptions under legislation**

Before refusing a request for a reasonable adjustment, the ACC must be satisfied that the grounds for refusal can be justified under the Disability Discrimination Act 1992, as an exception under the legislation. Staff must seek advice and approval from the General Manager and the Academic Dean (in the case of a student request) in relation to refusals of reasonable adjustments on the basis of Unjustifiable Hardship to the College, its staff and/or other students. Decisions will be documented with reasons for the exception.

In the event that the College refuses a request for a reasonable adjustment and the student or staff member concerned contests the decision, ultimately, the decision as to what is reasonable may be up to the law courts.

### **Managing complaints**

In the event that a complaint of discrimination, harassment or bullying is lodged by or on behalf of a student or staff member with a disability, the ACC will take timely and appropriate action through the following procedures:

- In the case of a student making an allegation, it will be managed through the Grievance Management Non Academic (Students) Policy.

- In the case of a staff member making an allegation, it will be managed through the Grievance Management (Staff) Policy.
- In the case of a customer, contractor, service provider or visitor making an allegation, whilst engaging with ACC staff or students, it will be managed under the relevant Service Contract or Agreement with the College.

### Confidentiality

All information collected by the ACC on a student or staff member’s disability will be treated confidentially. No information will be disclosed without signed consent. Where consent for full disclosure is not provided, the student or staff member must be aware that this may limit the ACC in its ability to assist in implementing any adjustments required to accommodate the disability.

### RELATED POLICIES and DOCUMENTS

- Equity (Anti-Discrimination) Policy
- Staff Recruitment, Hiring and Promotions Policy
- Student Support Policy
- Grievance Management Non-Academic (Students) Policy
- Grievance Management (Staff) Policy
- Student Academic Appeals Procedures
- Inherent Requirements Policy

### VERSION CONTROL

<b>Document:</b> H001 Disability Policy		
<b>Responsible Officer:</b> General Manager		
<b>Initially Approved by:</b> Board of Directors		<b>Date:</b> 16 November 2016
<b>Reviewed and approved by:</b> Board of Directors		<b>Date:</b> 14 December 2021
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<b>Nature of Change</b>	<ul style="list-style-type: none"> <li>• Inserted list of Definitions</li> <li>• Changed title from <i>Disability Policy and Procedures</i> to <i>Disability Policy</i></li> <li>• Minor text and formatting changes</li> </ul>	