

Name:	Disability Policy and Procedure
Approved by:	Head of Compliance
Date Approved:	23/08/2017
Approved by:	Compliance Manager
Date Approved:	23/08/2017
Implementation Owner	Student Support
Maintenance Owner	Head of Compliance, Partners
Review Date	23/08/2017

## IVY COLLEGE STUDENTS DISABILITY POLICY AND PROCEDURE

### 1. POLICY STATEMENT

Ivy Institute Pty Ltd (Ivy College, Ivy, the College, we, us, or our) is committed to providing a high quality education and training service for all students. This policy and procedure also reflects Ivy College 's commitment to eliminating discrimination against people on the grounds of disability. Ivy College aims to provide students who have disabilities with the opportunity to participate fully in College life.

### PURPOSE

The Ivy College Disability Policy and Procedure sets out the framework and processes for supporting Students with disabilities, from the pre-enrolment stage through to completion of their studies. It also sets out roles and responsibilities for key staff involved.

### SCOPE

This policy and its procedure applies to all students with disabilities who are enrolled or seeking to enrol in a course of study with Ivy College, Ivy College Licensed Partner Organisations and its trading divisions.

It should be noted that the procedures set out in this document do not replace or modify procedures or any other responsibilities which may arise under other policies or under statute or any other law.

### 2. BACKGROUND AND NEED

The *Disability Discrimination Act 1992* ('the Act')<sup>1</sup>, aims to eliminate discrimination against people on the grounds of disability including in the area of education, and to ensure that as far as possible, those with disabilities have the same rights as the rest of the community<sup>2</sup>. Its application in education includes in relation to access to enrolment and student services, and participation in learning activities on the same basis as a student without a disability.

Section 22 'Education' of the Disability Discrimination Act <sup>1</sup> states that it is unlawful for an educational authority to discriminate against a person on the grounds of a person's disability by refusing to accept their application or in the terms under which they are admitted, by denying them access or limiting their access to any benefit provided by the educational institution. It also states that it is not unlawful for an education institution to refuse admission from a student with a disability if it would require

<sup>1</sup> *Disability Discrimination Act 1992*, Available at <https://www.comlaw.gov.au/Details/C2015C00252>

facilities or services that are not required by students without disabilities and the provision of such would impose unjustifiable hardship on the provider.

### 3. DEFINITIONS AND ABBREVIATIONS

In the context of this policy the following **applies**:

**Associate** (of a person with a disability) – under the *Disability Discrimination Act 1992*, defined to include '(a) a spouse of the person; and (b) another person who is living with the person on a genuine domestic basis; and (c) a relative of the person; and (d) a carer of the person; and (e) another person who is in a business, sporting or recreational relationship with the person'<sup>1</sup>.

**Disability** - defined under Section 4 of the *Disability Discrimination Act 1992*<sup>1</sup> as:

(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.'

**Discrimination** – is taken to have the same meaning as described under Sections 5 & 6 of the *Disability Discrimination Act 1992*<sup>1</sup>:

Direct disability discrimination

(1) For the purposes of this Act, a person (the discriminator) discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if, because of the disability, the discriminator treats, or proposes to treat, the aggrieved person less favourably than the discriminator would treat a person without the disability in circumstances that are not materially different.

(2) For the purposes of this Act, a person (the discriminator) also discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:

(a) the discriminator does not make, or proposes not to make, reasonable adjustments for the person; and

(b) the failure to make the reasonable adjustments has, or would have, the effect that the aggrieved person is, because of the disability, treated less favourably than a person without the disability would be treated in circumstances that are not materially different.

- (3) *For the purposes of this section, circumstances are not materially different because of the fact that, because of the disability, the aggrieved person requires adjustments’.*

*‘Indirect disability discrimination*

- (1) *For the purposes of this Act, a person (the discriminator) discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:*
- (a) *the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition; and*
  - (b) *because of the disability, the aggrieved person does not or would not comply, or is not able or would not be able to comply, with the requirement or condition; and*
  - (c) *the requirement or condition has, or is likely to have, the effect of disadvantaging persons with the disability.*
- (2) *For the purposes of this Act, a person (the discriminator) also discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:*
- (a) *the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition; and*
  - (b) *because of the disability, the aggrieved person would comply, or would be able to comply, with the requirement or condition only if the discriminator made reasonable adjustments for the person, but the discriminator does not do so or proposes not to do so; and*
  - (c) *the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.*
- (3) *Subsection (1) or (2) does not apply if the requirement or condition is reasonable, having regard to the circumstances of the case.*
- (4) *For the purposes of subsection (3), the burden of proving that the requirement or condition is reasonable, having regard to the circumstances of the case, lies on the person who requires, or proposes to require, the person with the disability to comply with the requirement or condition’*

**Harassment** - *‘in relation to a person with a disability, includes an action taken in relation to the person’s disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person; and in relation to a person who has an associate with a disability, includes an action taken in relation to the associate’s disability that is reasonably likely, in all the circumstances, to humiliate, offend, intimidate or distress the person or the associate’<sup>22</sup>*

**HE-** Higher Education

**Licensed Partner Organisations** – any organisation that provides services on behalf of Ivy Institute Pty Limited, including training, assessment, related educational and support services, and/or any activities related to the recruitment of prospective domestic Students s. As the Registered Training Organisation, Ivy Institute Pty Ltd is responsible for ensuring all such services provided are in accordance with statutory obligations.

**LLN** - language, literacy and numeracy

**Reasonable Adjustment:** administrative, environmental or procedural alterations in the learning situation which remove barriers for people with disabilities so that they can perform the inherent requirements of the course of study. It can include adjustments to the mode of delivery of lectures or written material or the assessment process and timeframe. An adjustment is reasonable if it takes into

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<sup>22</sup> Disability Standards for Education 2005 (Plus Guidance Notes). Available at URL: <https://education.gov.au/disability-standards-education>

account the requirements of the person and balances the interests of all parties affected. Consideration needs to be given to:

- the effect of the adjustment on the person's ability to successfully achieve the inherent learning outcomes of the unit or course;
- the costs and benefits of making the adjustment; and
- the interests of all parties affected, including those of the student with the disability, the College, staff and other students or colleagues.

**CA** - Student Enrolment Advisor

**SSC** – Student Support Coordinator

**Student** - refers to a person enrolled or seeking to enrol in any course or unit of study at Ivy College or at a partner organization licensed to deliver Ivy College courses on behalf of Ivy College. A student or a potential student can be a domestic or overseas student.

**Unjustifiable Hardship** – defined under the *Disability Discrimination Act 1992*, Section 11 as follows:

*'11. For the purposes of this 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 any 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 the provision of services, or the making available of facilities - an action plan given to the Commission under section 64<sup>1</sup>.*

**VET** - Vocational Education & Training

## 4. POLICY PROVISIONS

### 4.1 General Principles

Ivy College has an overall strategy for supporting students with disabilities across all its faculties.

Ivy is committed to ensuring it is compliant with the requirements of the law, including those in relation to disability support within its faculties.

Bullying, harassment and discrimination, including in relation to disabilities, are not tolerated within Ivy College. Staff training in bullying, harassment, discrimination and relevant legislation is provided by Ivy and reinforced in our staff policies.

Ivy complies with the Ivy College Disability Policy and Procedure, including integrating relevant aspects within Training and Assessment Strategies.

Enrolment processes will include opportunities for students to disclose disabilities and request reasonable adjustment of learning and assessment. Students with disabilities are informed pre-enrolment of the support able to be offered by the colleges.

Reasonable Adjustment Plans are created for students with disabilities where requested. Plans are monitored regularly.

In development of new courses and on renewal of existing courses, curricula are analysed with respect to inclusiveness.

Ivy recognises that it may not have the expertise and internal knowledge and expertise to identify the support needed for particular defined disabilities. Ivy College utilises external expertise in relation to disabilities when required.

Ivy monitors compliance with all its Policies and Procedures.

## 5.0 PROCEDURES

### 5.1 Overall framework

The Disability Support Strategy is divided into eight parts:

- Part 1 Enrolment Process
- Part 2 Implementation & Monitoring of Reasonable Adjustment Plan
- Part 3 Curriculum Design and Delivery
- Part 4 Student Support Services
- Part 5 Victimisation and Harassment Prevention Strategies & Processes
- Part 6 Staff Training
- Part 7 External Disability Support Agency
- Part 8 Monitoring

### 5.2 Part 1: Enrolment Process

Students with disabilities are informed about support options during the enrolment process, in order to inform their decision-making. The following processes are followed:

#### 5.2.1 Student enrolment form completion

- a. An online enrolment form is completed by the Student on their own or alternatively, enrolment is completed with the assistance of a Course Advisor (CA) who conducts an interview with the potential student by phone and completes the online form with them. This provides an alternative for students with particular disabilities who may need assistance with enrolment.
- b. Information about support for disability that may be provided by the Ivy College is inserted as part of the enrolment process email via a links to key policies and procedures, the Student handbook and the website.
- c. Where Course Advisors (CA) or Agents are assisting potential students to complete the enrolment process over the phone, disability support information may be read to the prospective student.
- d. The enrolment application form includes a section relating to disclosure of disabilities with an option to request support in their academic studies, via a tick box. During the enrolment process applicants may be requested to submit supporting evidence in the form of a **Disability, Health Condition and/or Educational Professional Report** completed by a medical practitioner, or other relevant professional, and that their enrolment cannot proceed until this evidence is received and considered by the College.
- f. The enrolment application form states that all information pertaining to the applicant will be treated confidentially.
- g. CAs/Agents emphasise to potential Students who wish to register a disability that any supporting evidence must be submitted as soon as possible and that enrolment cannot be completed until Ivy has considered this information and consulted with the student and/or their Associate. The CA also advises students that information about their disability will be disclosed to Ivy in order for Ivy to be able to make an informed decision regarding reasonable adjustment, however it will be treated as confidential information.

#### 5.2.2 Enrolment is referred to the Student Support team for evaluation

The Student Support team in collaboration with consulting experts and faculty staff is responsible for:

- processing of applications where a disability has been disclosed and reasonable adjustment requested;
- ensuring that any required additional supporting evidence is received from the potential student prior to the Ivy contacting the College; and

- Engaging with external disability support agencies for specialist advice in relation to disability, if required.

Where a disability has been disclosed and request for reasonable adjustment received, if required a consultant reviews the evidence submitted and advises Ivy of actions to be taken (i.e. type and nature of reasonable adjustments, suitability to the course of study chosen). The relevant staff member within Ivy is the Trainer who can provide the consultant with detailed information about the course and its requirements. The enrolment remains provisional at this point.

#### 5.2.3 Communication with potential student

Following dialogue and agreement between the College and consultant, the student is contacted by Ivy for a preliminary discussion to ascertain whether the disability affects or could affect the applicant's ability to participate in their chosen course, including using the facilities and services of Ivy and/or any work placement obligations, on the same basis as a student without disabilities.

The discussion should include what support Ivy is able to offer and take into account any recommendations made and the following factors:

- the nature of the disability;
- the student's perspective on how the disability affects his/her ability to participate;
- information provided by the student about his/her preferred adjustment (to learning and assessment);
- the student's (or Associate's) views about potential adjustment (to learning and assessment);
- the effect of the adjustment on anyone else affected; and
- the effect of the adjustment on the potential student, their ability to participate, achieve learning outcomes and operate independently.

#### 5.2.4 Decision made about student application

Decisions about acceptance or non-acceptance of a potential student's application are made expeditiously.

a. The Head of Faculty and the consultant must decide whether an adjustment is necessary and achievable, in accordance with Ivy College's policies and procedures. Advice from external disability support agencies may also be sought. Particular consideration should be given to the ability of the College to make reasonable adjustments in relation to:

- curricula;
- student participation; and
- student support services.

A **Reasonable Adjustment Checklist (Appendix 1)** may be useful in assisting trainers in their deliberations of whether reasonable adjustment is possible, and in developing **Reasonable Adjustment Plans**.

b. Where reasonable adjustments are achievable (majority of cases), the trainer:

- informs the student;
- documents the reasonable adjustments to be made, using a Reasonable Adjustment Plan template, taking into consideration items set out in the Reasonable Adjustment Checklist; and
- forwards a copy of the Reasonable Adjustment Plan to the student, and attaches a copy to the student file

c. Where the Head of Faculty, in consultation with the consultant, believes it is not possible to make reasonable adjustment, for example, based on unjustifiable hardship to the College or for example in

the case of an applicant who is not able to meet the learning outcomes of the course because of their specific disability (eg. blind applicant for a beauty course), it must be on grounds that are defensible in terms of the law (the *Disability Discrimination Act 1992*). The Head of Faculty or equivalent must refer the matter to the Director, Student Success.

d. The Director Student Success must make a decision based on consideration of a range of factors, detailed in Section 10 of the Disability Standards for Education 2005 (see **Appendix 2**), and in consideration of the definition of 'unreasonable hardship' defined under the *Disability Discrimination Act 1992*.

e. The Director Student Success informs the Executive Director, Operations, Ivy College of any decision to not admit a student to Ivy because of unjustifiable hardship or inability to meet course learning outcomes.

#### 5.2.5 Student Support confirms acceptance or non-acceptance of the student enrolment

If the student application is accepted, enrolment is processed according to usual protocols. In the case where the application is not accepted by the College, the student is advised in writing (via email) of the decision not to accept their application and the grounds upon which this decision has been made. The email includes the fact that the student has the right to Appeal and the process for appeal using the Ivy College Student Complaints and Appeals Policy and Procedure.

### **5.3 Part 2 Implementation & Monitoring of Reasonable Adjustment Plan**

#### 5.3.1 Elements of a Reasonable Adjustment Plan

A Reasonable Adjustment Plan may involve, but is not limited to, the following items listed below. This information may also be provided as part of the explanation of 'reasonable adjustment'.

- providing additional lighting;
- providing an adjustable workstation or special seating;
- modifying equipment or providing special adaptive technologies such as voice-activated computer software, special keyboard, large screen monitor or associated aids;
- providing special assistance such as an interpreter for deaf candidates and provision of paper-based materials in advance of face to face sessions;
- adapting teaching and delivery methods, without impacting on the delivery of the essential skills, knowledge and understanding required to meet the student outcomes;
- Adapting the assessment methodologies, without impacting on the validity of the attainment of the relevant student outcomes. For example: allowance of extra time, varying question and response modalities (such as use of oral questioning rather than written, and audiotaped or videotaped answers instead of written answers).

A *Reasonable Adjustment Checklist* is provided (**Appendix 1**) which may assist Trainers and Study coaches in considering Reasonable Adjustment Plan delivery.

#### 5.3.2 Trainer and Assessor Responsibilities

In addition to the responsibilities pre-enrolment (described earlier), Trainers and Assessors (or the equivalent) have the following responsibilities:

- Following enrolment, the Student support coordinator is responsible for informing the student's designated Trainer and Assessor of the Reasonable Adjustment Plan, and the requirement that this information is kept confidential.
- Where reasonable adjustment of learning resources, delivery and/or assessment is recommended, the Trainer and Assessor may liaise with the Product Team for assistance.
- The Trainer and Assessor may also liaise with external disability support agencies for additional advice in actioning the Reasonable Adjustment Plan.

- The Head of Faculty is responsible for communicating any adjustments to learning delivery and assessment that need to be made as a result of the Reasonable Adjustment Plan, to relevant Trainer and Assessors. Trainer and Assessors should work closely with the Head of Faculty to ensure that Reasonable Adjustment Plans are implemented and if necessary, adjusted as a result of feedback from the student. The requirement for confidentiality of information in relation to disclosure of a disability should be emphasised to all staff.
- Trainers and Assessors may receive advice in relation to the experiences of a student with a registered disability at any time during the student's course, which may require additional adjustments to be made to the initial Reasonable Adjustment Plan. It is the Head of Faculty's responsibility to ensure that Trainers and Assessors are aware of their responsibility to report any feedback from a student with a registered disability in relation to reasonable adjustments made to their learning, and to consider and effect any consequent actions eg. alterations to the student's Reasonable Adjustment Plan.

### 5.3.3 External Consultants Responsibilities

The External Consultant is responsible for:

- providing advice to Ivy staff on the Reasonable Adjustment Plan; and
- providing trainers with any information necessary about reasonable adjustment in relation to the student.

### 5.3.4 Student Support Coordinator (or the equivalent) Responsibilities

- A Reasonable Adjustment Plan may need to be altered from that developed initially, as a result of feedback from the student. The Trainer and Assessor will be responsible for monitoring the learning experience of the student, in accordance with the Reasonable Adjustment Plan, throughout the lifecycle of the student. Where the student reports any difficulties in relation to their learning experience including assessment, the Trainer and Assessor must report this to the SSC who will take appropriate action.

### 5.3.5 Faculty Heads Responsibilities

Faculty Heads are responsible for:

- actioning those items in a Reasonable Adjustment Plan that relate to learning delivery and assessment, considering those issues/items set out in the *Reasonable Adjustment Plan Delivery Checklist*,
- ensuring that students with a registered disability are informed that if they experience any difficulties in relation to their learning experience and reasonable adjustments, these may be reported to the Trainer and Assessor at any point during their study; and
- reporting any complaints or dissatisfaction made by a student with a registered disability in relation to reasonable adjustments to the SSC.

## **5.4 Part 3 Curriculum Design and Delivery**

As part of an ongoing process of curricula renewal, course curricula is analysed in terms of its inclusiveness in relation to students with disabilities.

Where a Reasonable Adjustment Plan has recommended changes to assessment, Trainers and Assessors may contact the Product Team for advice and development of bespoke assessments that allow for reasonable adjustments.

The *Reasonable Adjustment Plan Delivery Checklist (Appendix 1)* sets out considerations for changes to curricula.

## **5.5 Part 4 Student Support Coordinators**

5.5.1 Ivy College ensures that:



- students with disabilities are able to access those support services used by other students on the same basis as a student without disabilities;
- students with disabilities may have access to specialised support services as required;
- where specialised equipment is needed to support a student with a disability to participate in a course, where possible and where it would not be reasonable to expect the student to have the equipment themselves, procure the equipment; and
- staff are aware of specialised services available to assist students with disabilities and are able to assist students with disabilities to access specialised support services.

5.5.2 Ivy College has relationships with external disability support agencies for the purposes of providing additional support and advice for students with disabilities.

## 5.6 Part 5 Victimisation and Harassment Prevention Strategies & Processes

Ivy College has the following policy measures in place in relation to victimisation and harassment prevention strategies:

- Ivy College Policy: Access, Equity and Fair Treatment Policy and Procedures.
- Ivy College Student Complaints and Appeals Policy and Procedure.
- College Handbooks (tailored to each college) contain Staff Codes of Conduct that include clauses relating to bullying, harassment and victimisation, which specifically prohibit harassment and victimisation of students with disabilities on the basis of disability.
- Student Handbooks contain a Student Code of Conduct, which includes reference to bullying, harassment and victimisation.
- Bullying and harassment online training is offered to staff.

## 5.7 Part 6 Staff Training

All staff must be aware of the *Disability Discrimination Act 1992* and the responsibilities of education providers under this Act. All staff training should include this component.

### 5.7.1 Course Advisor (CA) and External Agents training

CA and Ivy College Agents are trained in the enrolment process that includes the following elements:

- advising applicants that students with disabilities may request reasonable adjustment to their learning
- advising applicants who have disclosed a disability and requested reasonable adjustment of the process that will be followed in assessing their application

Scripts to assist CAs and Ivy College Agents during the enrolment process will be developed.

CAs and Ivy College Agents should also be provided with compulsory training on bullying, harassment and victimisation that includes in relation to disability.

### 5.7.3 Heads of Faculty (or the equivalent) and Trainers and Assessors (or the equivalent), Student support coordinators (or the equivalent) undertake training in the following:

- *Disability Discrimination Act 1992*;
- bullying, harassment and victimisation (including but not limited to in relation to disability);
- 'unjustifiable hardship' in relation to education providers
- reasonable adjustment and development and implementation of Reasonable Adjustment Plans;
- how to induct students into College policies and procedures including: Student Complaints and Appeals Policy and Procedures, Ivy College 's Access, Equity and Fair.

### 5.7.4 Student support Coordinator (or the equivalent) training

SSCs (or the equivalent) complete training in:

- *Disability Discrimination Act 1992*;
- bullying, harassment and victimisation including but not limited to in relation to disability;

- how to monitor Reasonable Adjustment Plans.

#### 5.7.5 Academic Staff training

All staff, as part of staff induction and as part of ongoing professional development, undertake training in the following:

- *Disability Discrimination Act 1992*;
- bullying, harassment and victimisation (including but not limited to in relation to disability);
- inclusive teaching practices including assessment;
- monitoring of students with Reasonable Adjustment Plans;
- Reasonable Adjustment Plans; and
- how to induct students into College policies and procedures including: Student Non-Academic Complaints and Appeals Procedures, Ivy Colleges Access, Equity and Fair Treatment Policy and Procedures and the Student Code of Conduct.

#### **5.8 Part 7 External Disability Support Agency**

Ivy College engages external disability support agencies to provide specialist advice in relation to applications from students with disabilities who request reasonable adjustment.

The external agencies may also be engaged to provide specialist services for individual students with disabilities on behalf of the College.

#### **5.9 Part 8 Monitoring**

CA's are responsible for monitoring Student Learning Plans and liaising with the Trainer and Assessor in relation to any complaints or difficulties experienced by the student.

Ivy College is responsible for monitoring compliance with the Ivy's Disability Policy and Procedure.

### **6. RIGHTS OF STUDENTS AND STAFF**

#### **6.1 Student Rights**

Students have the right to expect that:

- they will be treated with dignity and respect;
- the College will establish an inclusive educational environment;
- they can undertake their studies free from discrimination and harassment;
- staff will invite them to discuss their requirements for reasonable adjustment and treat the request promptly and seriously;

- where required, they may be assisted by independent advocates;
- staff will be given appropriate training to become skilled in good practices for meeting the requirements of the students;
- they will be given the opportunity to develop skills which will enable them to obtain maximum benefit from available services; and
- Confidential information about their disability will not be disclosed without their permission, except in exceptional circumstances (e.g. when safety factors are involved).

## 6.2 Staff Rights

Staff have a right to:

- expect that students seeking reasonable adjustments to the learning program will discuss their specific requirements with relevant College officer(s) (with assistance if required) and share responsibility in negotiating solutions.

## 7. ROLES AND RESPONSIBILITIES

### 7.1 Student Responsibilities

Students and where applicable prospective students with disabilities have a responsibility to provide information which assists Ivy College in the timely planning and implementation of appropriate services by:

- disclosing their disability on enrolment;
- making early contact with the appropriate Contact Officer within the College;
- notifying and verifying their requirements to the extent necessary to ensure an appropriate Ivy College response;
- being proactive in advising the Ivy College of the difficulties they encounter in accessing aspects of the life of the College and how to overcome these difficulties;
- engaging with the strategies set out in their Reasonable Adjustment Plan; and
- ensuring that specialised services provided are utilised in a fair and effective manner.

### 7.2 Responsibilities of Staff in General

All staff take responsibility to ensure equity for students with disabilities and discharge their duties in a non-discriminatory manner. Staff are expected to undertake development activities in their annual development calendar, which ensure they become familiar with the general requirements of students who have disabilities. Staff have a responsibility to:

- create a climate that encourages students to approach them to discuss issues impacting on their studies that arise from their disability
- respond to the particular requirements of students who have disabilities by making reasonable adjustments within a flexible curriculum
- understand and constructively manage behaviour arising from disability which impacts upon others in the class.

### 7.2 Head of Faculty (or Equivalent) Responsibilities

Head of Faculty (or equivalent) are responsible for:

- analysing curricula in terms of its inclusiveness in relation to students with disabilities as part of curricula renewal;

- reporting on compliance with this Policy and Procedure; and
- Incorporating relevant aspects of this policy and procedure as part of College Teaching and Learning Plans.

### 7.3 Director of Student Success Responsibilities

Head of Student Engagement is responsible for:

- on receipt of a documented recommendation from the relevant staff that reasonable adjustment is not achievable, making a decision based on consideration of a range of factors and in consideration of the definition of 'unreasonable hardship' under the Act;
- informing the Executive Director, Operations, Ivy College of any decision to not admit a student to the College because of unjustifiable hardship or inability to meet course learning outcomes; and
- Ensuring relevant staff training under this policy and procedure is provided.

## 8. GRIEVANCES

Students who believe they have been discriminated against may take action under the Student Grievance Policy.

## 9. SUPPORTING DOCUMENTS

### Related Websites and Documentation

- *Disability Discrimination Act 1992*, Available at <https://www.comlaw.gov.au/Details/C2015C00252>
- Disability Standards for Education 2005 (Plus Guidance Notes). Available at URL: [https://education.gov.au/disability-standards-education<sup>3</sup>](https://education.gov.au/disability-standards-education<sup>3</sup)
- Ivy College Access, Equity and Support Policy and Procedures

<sup>3</sup> Note that these standards expired in 2015, however still provide useful guidance.

**Appendix 1 Reasonable Adjustment Delivery Checklist**

This checklist is based on the information set out in the Disability Standards for Education 2005 (plus Guidance Notes)<sup>2</sup>.

Area	Requirement	Description of Actions Taken/Notes	Compliant (insert ✓)
<b>Curriculum</b> <i>Measures that the education provider may implement to enable the student to participate in the learning experiences (including the assessment and certification requirements) of the course or program, and any relevant supplementary course or program, on the same basis as a student without a disability</i>	The curriculum, teaching materials, and the assessment and certification requirements for the course are appropriate to the needs of the student and accessible to him or her		
	The course delivery modes and learning activities take account of intended educational outcomes and the learning capacities and needs of the student		
	The course study materials are made available in a format that is appropriate for the student and, where conversion of materials into alternative accessible formats is required, the student is not disadvantaged by the time taken for conversion		
	Teaching and delivery strategies for the course are adjusted to meet the learning needs of the student and address any disadvantage in the student's learning resulting from his/her disability, including through the provision of additional support, such as bridging or enabling courses,		

Area	Requirement	Description of Actions Taken/Notes	Compliant (insert ✓)
	or the development of disability-specific skills		
	Assessment procedures and methodologies for the course or program are adapted to enable the student to demonstrate the knowledge, skills or competencies being assessed.		
	Course requirements are being reviewed, in the light of information provided by the student or an associate of the student, and includes activities in which the student is able to participate.		
<b>Student Participation</b> <i>Measures that the education provider may implement to enable the student to participate in the learning experiences (including the assessment and certification requirements) of the course or program, and any relevant</i>	Appropriate programs necessary to enable participation by the student are negotiated, agreed and implemented		
	Where a course necessarily includes an activity in which the student cannot participate, the student is offered an activity that constitutes a reasonable substitute within the context of the overall aims of the course or program		
	Any activities that are not conducted in classrooms, and associated extra-curricular activities or activities that are part of the broader educational		

Area	Requirement	Description of Actions Taken/Notes	Compliant (insert ✓)
<b>supplementary course or program, on the same basis as a student without a disability.</b>	program, are designed to include the student.		
	Additional support is provided to the student where necessary, to assist him or her to achieve intended learning outcomes		
<b>Support Service Access</b>  <b>Measures implemented to ensure that the student is able to access support services used by students in general, on the same basis as a student without a disability, and to ensure his/her access to specialised support services</b>	Staff of education providers are aware of the specialised services available for the student and are provided with information that enables them to assist the student to access the services that the student needs;		
	Provision of specialised services for the student, where necessary, is facilitated, including through collaborative arrangements with specialised service providers eg. services in health, personal care and therapy; services provided by speech therapists, occupational therapists and physiotherapists		
	Any necessary specialised equipment is provided to support the student in participating in the course or program eg. adaptive technology, assistive devices		
	Appropriately trained support staff, such as specialist teachers,		

Area	Requirement	Description of Actions Taken/Notes	Compliant (insert ✓)
	interpreters, note-takers and teachers' aides, are made available to students with disabilities		



**Appendix 2 Section 10 of the Disability Discrimination Act 1992****Part 10 Exceptions****10.1 Exceptions**

- (1) These Standards do not render it unlawful for an education provider to fail to comply with a requirement of these Standards if section 10.2, 10.3, 10.4 or 10.5 applies.
- (2) If an exception is invoked, it is the responsibility of the provider to demonstrate that the exception operates.

**10.2 Unjustifiable hardship**

- (1) This section does not apply to a requirement in Part 8 of these Standards.
- (2) These Standards do not render it unlawful for an education provider to fail to comply with a requirement of these Standards if, and to the extent that, compliance would impose unjustifiable hardship on the provider.
- (3) The provider must comply with the Standards to the maximum extent not involving unjustifiable hardship.

*Note* Section 11 of the 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 any 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 the provision of services, or the making available of facilities — an action plan given to the Commission under section 64 of the Act.

The application of unjustifiable hardship should take account of the scope and objects of the Act and the Standards, particularly the object of removing discrimination as far as possible, and of the rights and interests of all relevant parties. In determining whether the exception of unjustifiable hardship can be relied on, all relevant circumstances of the particular case are to be taken into account.

The Standards generally require providers to make reasonable adjustments where necessary. In determining whether an adjustment is reasonable the factors in subsection 3.4 (2) are considered, including any effect of the adjustment on anyone else affected, including the education provider, staff and other students, and the costs and benefits of making the adjustment. There will be possible adjustments which are not reasonable. There is no requirement on providers to make unreasonable adjustments. The concept of unreasonable adjustment is different to the concept of unjustifiable hardship on the provider in section 10.2. Where the obligation to make a reasonable adjustment none-the-less imposes unjustifiable hardship on the provider, section 10.2 will operate. The concepts of reasonable adjustment and unjustifiable hardship seek to provide a balance between the interests of providers and others, and the interests of students with disabilities.

**10.3 Acts done under statutory authority**

These Standards do not render unlawful anything done in the circumstances described in section 47 of the Act.

**10.4 Protection of public health**

These Standards do not render it unlawful for an education provider to isolate, or discriminate against, a student with a disability if the disability is an infectious disease or other condition and it is reasonably necessary to so isolate or discriminate to protect the health and welfare of the student with a disability or the health and welfare of others.

**10.5 Special measures**

(1) These Standards do not render it unlawful for an education provider to provide special measures (including specialised units or institutions) intended specifically for the benefit of students with disabilities.

(2) In this section:

**Special measure** means an act mentioned in section 45 of the Act.

*Note* Special measures are intended specifically for the benefit of students with disabilities, and can take the form of programs or initiatives that afford students with disabilities, or with a particular disability, benefits, grants, programs, goods, or access to facilities, services or opportunities to meet their special needs in relation to education and training. However, providing specialised support services will not necessarily be sufficient to eliminate discrimination.

**CHANGE HISTORY**

Version	Approval date	Approved by	Approved by	Change
V1.0	18/12/2015		Compliance Manager	Initial development
V1.0	08/02/2017			Removal of Study Coach reference and staff title updates.