

CHS Disability Policy and Procedures

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1. Purpose

The purpose of this policy is to define CHS's approach to supporting students with a disability in compliance with the [Disability Discrimination Act 1992](#) (the Act) and related legislations. More specifically the purpose is:

- To promote greater understanding of the people with disability, treating them in a normal manner and creating a welcoming environment for them free from prejudices and harassment;
- To meet the needs of people with disability in terms of access and movement within the CHS premises, as well as ensuring that they are able to participate in their courses without hindrance, including reasonable changes to the facilities as required;
- Ensure that staff in charge make reasonable adjustments to meet the needs of people with disability;
- Make adjustments to the teaching and assessment practices to meet the needs of students with disability whether studying on campus or off campus. The same adjustments will need to be made to meet the needs of staff with disability; and
- Generally, promote a positive attitude and behaviour towards people with disability on the part of the CHS staff, students and associates.

2. Scope

This policy applies to all staff and students at CHS. Staff taken to include full time staff, casual staff, associates or volunteers. Students include those enrolled in a formal award course or those undertaking a course unit.

3. Definitions

Term	Definition
<i>Adverse action</i>	Discrimination on the basis of certain characteristics as defined under legislation.
<i>Diversity</i>	Ways in which people and groups of people are both alike and different.
<i>Disability</i>	A condition that may restrict a person's mental, sensory or mobility functions to undertake or perform a job in the same way as a person who does not have disability. This includes physical, sensory, intellectual, mental health, neurological and learning disabilities, as well as physical disfigurement and serious illnesses. Disability may be temporary or permanent, total or partial, lifelong or acquired.
<i>Equal opportunity</i>	Refers to everyone having equal access to opportunities in work and study.
<i>Equity</i>	The creation of opportunities for equal access and success in Australian higher education among historically underrepresented student populations.
<i>Inherent Requirements</i>	The essential activities and tasks that must be carried out in order to get a job done. Inherent requirements relate to results (what must be accomplished) rather than means (how it is accomplished).
<i>Special measures</i>	Steps which CHS can take to enable substantive equality for individuals who belong to groups which have experienced past disadvantage, because of laws and rules, stereotypes and attitudes. Special measures aiming to redress past disadvantage and improve employment outcomes and access to education for people from these groups. Anti-discrimination legislation enables CHS to implement special measures for specific groups.

<i>Unlawful behaviour</i>	Refers to unlawful discrimination, unlawful harassment, victimisation, vilification and unlawful adverse action.
<i>Unlawful discrimination</i>	Occurs when a person, or a group of people, is treated less favourably than another person or group based on characteristics as determined by Federal and state legislation. Unlawful discrimination can be direct or indirect.
<i>Unlawful harassment</i>	When a person is made to feel intimidated, insulted or humiliated based on certain characteristics as determined by Federal and State legislation.
<i>Victimisation</i>	The less favourable treatment of a person or persons due to their participation in making, supporting or resolving a complaint of discrimination, harassment or vilification, whether that participation was actual, intended or presumed. This includes a person or persons who have agreed to be witnesses in relation to a complaint.
<i>Vilification</i>	A public act that could incite others to hate, have serious contempt for, or severely ridicule a person or a group of people because based on certain characteristics as determined by legislation.

4. Principles

- CHS is aware that the best means of dealing with entrenched attitudes towards people with disability is through education and promotion of exemplary conducts that can lead to greater social cohesion within the College community.
- CHS is committed to the principles of equitable participation of all students, including people with disability.
- CHS is committed to making reasonable adjustments to meet the needs of students with disability.
- CHS promotes an environment that values diversity and inclusiveness, including people with disability.
- CHS is committed to attending to the needs of individual students with disability in terms of facilitating their participation in the CHS's programs and events as far as practicable.

5. Procedures

5.1 Student reports a disability

Students with a disability should formally report their needs to the College via the Welfare Officer or the Student Services staff at least 2 months before the teaching period starts and prior to applying for admission. The College treats such information as confidential in accordance with the College's **Privacy Policy**. The information provided by the student with disability will only be disclosed to those who need to know in order to make the reasonable adjustments needed to respond to the student needs.

The College requires appropriate documentary evidence of cases of temporary disability in order to assess these conditions and determine how to respond to specific needs in each case. Those with permanent disability also need to provide sufficient information on their needs to the College as early as possible.

5.2 Reasonable adjustment

The College will make reasonable adjustment based the following principles:

- The needs of students with disability is the prime consideration for any adjustment considered;
- Measures taken should enable students with disability to access all educational programs and services that the College offers;
- Any measure undertaken must not undermine academic integrity or academic standards;
- Students with disabilities must meet the academic requirements of the course as well as any inherent or essential requirements of the course of study;
- In deciding what constitutes reasonable adjustments the College needs to considers balancing the needs of all students and the need for regulatory compliance at all times;
- Appropriate adjustments required may involve:
 - Admission and enrolment (admission criteria must be met)
 - Participation in a course or program (may include use of technology-enabled devices)
 - Use of facilities and services (physical and electronic infrastructure adjustments)
- Adjustment may take the form of an aid, or a service that the student requires because of his or her disability; and
- A reasonable amount of advance notice is required to allow the necessary adjustments to be made in time.

5.3 Adjustments to assessment for students with disabilities

The College will make reasonable adjustments to assessment and examination for students with disability so that they will have an equitable opportunity to demonstrate their knowledge, academic capabilities and attainment of the underpinning learning outcomes. These may include:

- Extensions of time
- Use of technology-assisted devices
- A separate venue or virtual attendance
- Use of reader, scribe or computer where necessary
- Use of ergonomic chair
- Alternative formatting of assessment tasks
- Negotiation of an alternative assessment

The actual adjustments to assessment for a student with disability enrolled in a course offered by the College will be considered on a case by case basis in consultation with the student studying the course.

5.4 Exceptions under the legislation

The ***Commonwealth Disability Discrimination Act 1992*** contains provisions for exempting an institution from the requirements of the Act in certain circumstances, viz.

- If the requirements would subject the College to unjustifiable hardship;
- In cases that the student cannot fulfil the requirements of the course of study despite all appropriate adjustments being made by the College;
- In cases where an adjustment can undermine the academic integrity of the course of study, assessment or accreditation process;
- In cases where a student has an infectious disease or other condition that may jeopardise the health and wellbeing of others;

- In situations where student needs for special care and services to enable the student to study the course and that such are not normally available in the College; and
- In situations where occupational health and safety risks are high even after due adjustments made by the College.

5.5 Unjustifiable hardship

In determining what constitutes unjustifiable hardship the Act requires taking note of all relevant circumstances of a case, including:

- the nature of the benefit or disbenefit likely to accrue or be suffered by any persons concerned;
- the effect of the disability of a person concerned; and
- the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship; and
- 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.

5.6 Procedure for lodgement of request and resolution of complaints

1. The Student Welfare and Engagement Officer in each campus is the point of contact for all students with a disability;
2. A student with a disability may also contact the Student Services team in each campus or communicate their needs to the Academic Registrar by email at least 2 months prior to the teaching period start date;
3. The College shall respond in writing to a request from a person with disability to inform the student of where and how the College can make the necessary adjustments to enable the student to enrol in and pursue a course of study;
4. The student may negotiate further with the College on specific details of their requirements and the College shall make every effort to accommodate the student request subject to the provisions contained in this policy;
5. Should the College be unable to make the adjustments required on the above-mentioned grounds the College shall respond to the student formally and inform the student of why it is unable to meet the student's needs;
6. If the student with disability is not satisfied with the College's decision the student may lodge an internal complaint in accordance with the ***CHS Student Grievance and Appeals Policy***;
7. The College shall follow the process specified in the ***CHS Student Grievance and Appeals Policy*** to investigate the complaint and shall inform the student of the outcome accordingly;
8. The student with disability has the option of lodging a complaint with the [Australian Human Rights Commission](#) or the [Disability Discrimination Commissioner](#) if the student is not satisfied with the College's response to the complaint.

6. Records

Records associated with this policy will be maintained according to the ***Records Management Policy*** and ***Record Retention and Disposal Schedule***.

7. Related Policies

- CHS Student Grievance and Appeals Policy
- CHS Privacy Policy
- CHS Student Welfare and Safety Policy

- CHS Equity and Diversity Policy
- CHS HR Manual 2018
- CHS Indigenous Education Policy
- CHS Student Engagement and Retention Policy

8. Legislations

- 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
- Relevant State Acts, e.g. NSW Workplace Health and Safety Act 2011