

Disability Policy and Procedure

1. Introduction

As a Private Higher Education Provider, Australian Lutheran College [ALC] reflects the articulated Australian Government Disability Standards.ⁱ

ALC is committed to creating a teaching and learning environment which promotes dignity, acknowledges the right to privacy and confidentiality, and promotes an awareness of the needs and rights of students with disabilities.

All ALC students, staff and community members with disability have the right to participate as fully as possible in community life at ALC and ALC is further committed to increasing fair access to theological education for all groups.

ALC makes any decisions about admission, enrolment or participation on the basis that reasonable adjustments may be made where necessary, so that any student with disability is treated on the same basis as a student without disability. ALC also acknowledges that it is required only to make a 'reasonable adjustment'. An adjustment is not mandatory if it causes 'unjustifiable hardship' to ALC.

2. Policy objectives

ALC aims:

- to eliminate, as far as possible, discrimination against persons on the grounds of disability
- to ensure, as far as practicable, that persons with disabilities have the same rights to equality as the rest of the community
- to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community

3. Enrolment at ALC

- A student with a disability is able to seek admission to, or apply for enrolment at, ALC **on the same basis** as a prospective student without a disability, on the *Application for Enrolment Form* and the student has the same opportunities and choices in the application for enrolment process [that are comparable with those offered to other prospective students without disabilities.]ⁱⁱ
- ALC treats a prospective student with a disability **on the same basis** as a prospective student without a disability, making any decisions about admission or enrolment on the basis that reasonable adjustments will be negotiated upon written disclosure of the disability and request from the student on their Application for Enrolment form.
- A student with a disability is able to participate in ALC courses, and use the facilities and services provided by it, **on the same basis** as a student without a disability and the student has opportunities and choices in the courses and the use of the facilities and services that are comparable with those offered to other students without disabilities.

4. Enrolment standards

ALC takes reasonable steps to ensure that the prospective student is able to seek admission to, or apply for enrolment in, the institution on the same basis as a prospective student without a disability, and without experiencing discrimination, via the *Application for Enrolment Form* and process.

ALC ensures that the Head of School [HoS], in making the decision whether or not to offer the prospective student a place at ALC or in a particular course applied for by the prospective student, the prospective student with a disability is treated on the same basis as a prospective student without a disability, and without experiencing discrimination.

ALC:

- consults and negotiates with the prospective student, and/or the support person of the prospective student, about whether the disability affects the prospective student's ability to seek admission to, or apply for enrolment at ALC; and
- in the light of the consultation, decides whether it is necessary to make an adjustment to ensure that the prospective student is able to seek admission to, or apply for enrolment at ALC, on the same basis as a prospective student without a disability; and
- if:
 - an adjustment is necessary to achieve the aim; and
 - a reasonable adjustment can be identified in relation to that aim; makes a reasonable adjustment for the student.

5. Measures for compliance with standards at admission

Measures that ALC implements to enable the prospective student to seek admission to, or apply for enrolment at, ALC on the same basis as a prospective student without a disability, include measures ensuring that:

- inform about the enrolment processes:
 - address the needs of students with disabilities; and
 - is accessible to the student and his or her associates; and
 - is made available in a range of formats depending on the resources and purposes of ALC and within a reasonable timeframe; and
- enrolment procedures are designed so that the student, or a support person of the student, can complete them without undue difficulty; and
- information about entry requirements, the choice of courses, progression through those courses and the educational settings for those courses or programs is accessible to the student and his or her associates in a way that enables the student, or support person, to make informed choices.

6. Reasonable adjustments

ALC negotiates the following reasonable adjustments on student disclosure and request at enrolment:

6.1 Assistance measures or actions

A measure or action [or a group of measures or actions] taken to assist the student with a disability:

- in relation to an admission or enrolment—to apply for the admission or enrolment
- in relation to a course—to participate in the course
- in relation to facilities or services—to use the facilities or services on the same basis as a student without a disability, and includes an aid, support, a facility, or a service that the student requires because of his or her disability

For this policy, an adjustment is **reasonable** in relation to a student with a disability if it balances the interests of all parties affected.

Note: Judgements about what is reasonable for a particular student, or a group of students, with a particular disability may change over time.

6.2 Relevant circumstances and interests

In assessing whether a particular adjustment for a student is reasonable, regard is given to all relevant circumstances and interests, including the following:

- the student's disability
- the views of the student and/or the student support person
- the effect of the adjustment on the student, including the effect on the student's:
 - ability to achieve learning outcomes; and
 - ability to participate in courses or programs; and
 - independence; and
 - the effect of the proposed adjustment on anyone else affected, including the education provider, staff and other students; and
 - the costs and benefits of making the adjustment.

Note: A detailed assessment, which might include an independent expert assessment, may be required in order to determine what adjustments are necessary for a student.

The type and extent of the adjustments may vary depending on the individual requirements of the student and other relevant circumstances. Multiple adjustments may be required and may include multiple activities. In some circumstances, a student with a disability may not require any adjustment.

6.3 Maintenance of the academic and vocational requirements of the course

In assessing whether an adjustment to the course in which the student is enrolled, or proposes to be enrolled is reasonable, ALC maintains the academic and vocational requirements of the course, and other requirements or components that are inherent in or essential to its nature.

Note: In providing for students with disabilities, ALC continues to ensure the integrity of its courses, assessment requirements and processes; so that those on whom it confers an award can present themselves as having the appropriate knowledge, experience and expertise implicit in the holding of that particular award.

6.4 Consulting the student and deciding on adjustments

As part of the Application for Enrolment process and before ALC makes an adjustment for the student, the HoS consults and negotiates with the student, or the student support person, about:

- whether the adjustment is reasonable; and
- the extent to which the adjustment would achieve the aims; and
- whether there is any other reasonable adjustment that would be less disruptive and intrusive and no less beneficial for the student; and
- whether the adjustment may need to be changed over the period of a student's study.

6.5 Adjustments to be provided in reasonable time

ALC takes reasonable steps to ensure that any adjustment required to be made is implemented within a reasonable time.

- Whether the time is reasonable depends, in particular, on whether and when the student, or the support person, has provided:
 - in a timely way, any relevant information in the possession of the student or support person how the disability affects the student in relation to their study; and

- the student's and/or support person's opinion about adjustments.

6.6 Relation to premises standards

The Disability Standards do not affect the application of premises standards to building work undertaken as an adjustment or part of an adjustment.

If:

- the Disability Standards require building work to be undertaken as an adjustment, or part of an adjustment; and
 - premises standards apply to the building work;
- the Disability Standards do not require the building work to meet specifications more onerous than those required by the premises standards.

7. Measures for compliance with standards for course participation

Measures that ALC may implement to enable the student with a disability to participate in the course in which the student is enrolled and use the facilities and services provided by it on the same basis as a student without a disability, include measures overseen by the HoS to ensure that:

- the course activities are sufficiently flexible for the student to be able to participate in them; and
- course requirements are reviewed, in the light of information provided by the student, or support person, to include activities in which the student is able to participate; and
- appropriate programs necessary to enable participation by the student are negotiated, agreed and implemented; and
- additional support is provided to the student where necessary, to assist them to achieve intended learning outcomes; and
- 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; and
- any activities that are not conducted in classrooms, and associated extra-curricular activities or activities that are part of the broader academic or vocational study program, are designed to include the student; and
- the Business Administrator is informed of any physical support adjustments that may be required; and
- the Business Administrator negotiates the purchase of agreed physical support adjustment required directly with the student and/or the student support person.

8. Application of course requirements

At ALC students with disabilities have the right to participate in educational courses that are designed to develop their skills, knowledge and understanding, including relevant supplementary programs, on the same basis as students without disabilities.

8.1 Standards for curriculum development and accreditation and delivery

ALC takes reasonable steps to ensure that the course is designed in such a way that the student is, or any student with a disability is, able to participate in the learning experiences [including the assessment and certification requirements] of the course, and any relevant supplementary course, on the same basis as a student without a disability, and without experiencing discrimination.

- If a student is enrolled in the course, ALC will:

- consult the student, or an associate of the student, about whether the disability affects the student's ability to participate in learning experiences of the course or program, or any relevant supplementary course; and
- in the light of that consultation, decide whether an adjustment is necessary to ensure that the student is able to participate in those learning experiences on the same basis as a student without a disability who is enrolled in the course; and
- if:
 - an adjustment is necessary; and
 - a reasonable adjustment can be identified;
 make a reasonable adjustment for the student.

8.2 Measures for compliance with standards

Measures that ALC may implement to enable the student to participate in the learning experiences [including the assessment and certification requirements] of the course, and any relevant supplementary course or program, on the same basis as a student without a disability, include measures ensuring that:

- the curriculum, teaching materials, and the assessment and certification requirements for the course are appropriate to the needs of the student and accessible them; and
- the course or program delivery modes and learning activities take account of intended educational outcomes and the learning capacities and needs of the student; and
- 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; and
- the 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 or her disability, including through the provision of additional support, such as bridging or enabling courses, or the development of disability-specific skills; and
- any activities that are not conducted in a classroom, such as field trips, industry site visits and work placements, or activities that are part of the broader course or educational program of which the course is a part, are designed to include the student; and
- the assessment procedures and methodologies for the course are adapted to enable the student to demonstrate the knowledge, skills or outcomes being assessed.

9. Measures for compliance with standards regarding student support

Measures that ALC may implement 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 access to specialised support services, include measures ensuring that:

- staff at ALC 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; and
- the provision of specialised services for the student, where necessary, is facilitated, including through collaborative arrangements with specialised service providers; and
- any necessary specialised equipment is provided to support the student in participating in the course or program; and

- appropriately trained support staff, such as specialist teachers, interpreters, note-takers and teachers' aides, may be made available to students with disabilities, where possible.

Examples

Examples of the specialised services include services in health, personal care and therapy, and services provided by speech therapists, occupational therapists and physiotherapists.

Examples of the specialised equipment include adaptive technology and assistive devices.

10. Harassment and Grievances

Please see the ALC [Access, equity & equal opportunity policy & procedures](#) and the Grievance Policy, Procedures and Forms as complementary to this policy.

11. Exceptions

Unjustifiable hardship

ALC may fail to comply with a requirement of the Disability Standards if, and to the extent that, compliance would impose unjustifiable hardship on ALC.

ALC complies with the Government Standards to the maximum extent that do not involve unjustifiable hardship based upon reasonable assessment.

Note: All relevant circumstances of the particular case are to be taken into account including:

- the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned; and
- 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 the provision of services

The application of unjustifiable hardship takes account of the scope and objects 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.

ALC will take into account, in the provision of any adjustments, the costs and benefits of making the adjustment. There will be possible adjustments which are not reasonable. ALC will not make unreasonable adjustments. The concepts of reasonable adjustment and unjustifiable hardship seek to provide a balance between the interests ALC and others, and the interests of students with disabilities.

Protection of public health

It is lawful for ALC 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.

Special measures

ALC may provide special measures that 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.

12. Definitions

Act means the *Disability Discrimination Act 1992* [Sections refer to this act].

adjustment has the meaning given by section 3.3.

discrimination has a meaning corresponding to the meaning of **discriminate**.

education provider has the meaning given by section 2.1.

harassment has the meaning given by section 8.1.

prospective student, for an educational institution, means a person who approaches the institution about seeking admission to, or applying for enrolment in, the institution.

reasonable, in relation to an adjustment, has the meaning given by section 3.4.

student means a person enrolled in an educational institution.

victimisation has the meaning given by section 42 of the Act.

Note The definitions of terms in the Act apply to the Standard, under the *Acts Interpretation Act 1901*. These definitions include the following:

associate, in relation to a person, includes:

- (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.

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; or
- (k) is imputed to a person.

discriminate has the meaning given by sections 5 to 9 of the Act.

educational authority means a body or person administering an educational institution.

educational institution means a school, college, university or other institution at which education or training is provided.

Endnotes

ⁱ Australian Government Attorney-General's department, Department of Education, Science and Training, *Disability Standards for Education 2005 plus Guidance Notes: Making education and training accessible to students with disability*. Commonwealth of Australia, 2006.

ⁱⁱ *Note* This subsection is relevant to subsection 4.2 (1).