

# Disability Policy

**Policy Code:** STU-019

**Version:** 12.0

**Effective Date:** 16 July 2024

## Purpose

The College is committed to providing an accessible and inclusive study environment to ensure equal opportunity and participation for all students.

This Policy outlines the College's commitment to support all students with a disability, inclusive of mental health, in accordance with the obligations outlined by the *National Disability Insurance Scheme (NDIS)*, *Commonwealth Disability Discrimination Act 1992* (the Act) and the *Commonwealth Disability Standards for Education 2005*.

When fulfilling its obligations to students with disabilities, the College acts in accordance with the principles embodied in and requirements of other relevant legislation, standards and guidelines such as:

- *Disability (Access to Premises – Buildings) Standards 2010;*
- *World Wide Web Access: Disability Discrimination Act Advisory Notes*

as well as privacy, freedom of information, workplace health and safety legislation and legislation governing professional bodies.

**Use of the term “course”** – *for the purposes of this policy, the term course should be deemed interchangeable with the terms “program”, “training package” and “accredited course”.*

**Use of the term “subject”** – *for the purposes of this policy the term “subject” should be deemed interchangeable with the term “unit of study” and incorporates units of competency within a unit of study.*

## Scope

- All students - domestic and international, higher education and VET
- All campuses including online learning
- Prospective students enrolling in the College
- All staff, academic, training and operational (including contractors)

## Policy Statement

The College recognises the individual needs of students and respects the rights of students with a disability or mental health condition to participate fully in all facets of the College experience that is inclusive of access and equity in student engagement outcomes. This applies to prospective students at admission and enrolment into study, participation of enrolled students in all subjects and courses, and the use of College facilities and services.

The College is committed to providing all students with a disability, inclusive of mental health conditions, opportunities and access that are comparable with those offered to students without a disability or mental health condition. The following Policy Principles are consistent with the College's legislative responsibilities, and demonstrate the College's commitment to access and equity for all students.

## Policy Principles

The College is committed to:

- providing current and future students with disabilities and / or mental health conditions the opportunity to realise their potential for physical, social emotional and intellectual development through full participation at the College;
- taking all reasonable steps in providing dignified, equitable and reasonable achievable access to buildings and facilities and services within the College;
- the provision of a learning environment that supports and enhances the College experience for students with a disability or special need;
- the provision of a learning environment free from harassment and discrimination;
- access for students with a disability and / or mental health condition to appropriate support services;
- the provision of Reasonable Adjustments to accommodate the needs of students with a disability and / or mental health condition;
- the provision of Reasonable Adjustments to accommodate the needs of students with carer responsibilities as aligned with legislation recommendations;
- the promotion of and adherence to the principles of the *Commonwealth Disability Discrimination Act 1992* (the Act) and the *Disability Standards for Education 2005*;
- providing all students access to the College's *Access and Equity Program* (AEP) and the Student Wellbeing Coordinator, a consultation can be booked via LMS > Help > Consultations > Student Wellbeing;
- providing a safe physical study and work environment in which students with disabilities and / or mental health mental health conditions can partake;
- respecting an individual's rights to privacy and confidentiality when providing support services to current and future students with disabilities and / or mental health conditions.

The College aims to:

- ensure the delivery of all services to students with disabilities and / or mental health conditions in a manner which respects and promotes their human dignity, rights and opportunities, privacy and confidentiality;
- create an inclusive learning environment that maximises outcomes for students with disabilities and / or mental health conditions, by addressing barriers to access and participation;
- consult with students with disabilities and or mental health conditions, to identify reasonable adjustments that may be required to facilitate their access to and participation in courses on the same basis as students without disabilities;
- identify and uphold the essential academic requirements of its courses;
- ensure that students with disabilities and / or mental health conditions can access support services that the College provides on the same basis as other students;
- ensure the delivery of such support services to students with disabilities and / or mental health conditions, on the same basis as students without disabilities and without these students experiencing discrimination.

Current or future students with disabilities and / or mental health conditions who believe that they will require any reasonable adjustments will be required to disclose the nature of their impairment / medical condition and provide appropriate supporting documentation about its impact on them in the context of the learning environment in a timely manner and to the appropriate staff.

- The College recognises that students with disabilities and / or mental health conditions are themselves best placed to understand their disability and capacities.

- Consequently, students with disabilities and / or mental health conditions seeking reasonable adjustments share the responsibility for identifying appropriate solutions and managing their responsibilities to study in alignment with their conditions.
- Students with disabilities and / or mental health conditions are responsible for recognising their own personal cognitive and mental wellbeing, and identifying when and how to seek support and strategies to manage course participation and engagement, as outlined in the *Inherent Course Requirements*.

*This policy should be read in conjunction with the *Access and Equity Handbook* which outlines many of the processes referred to in this policy.*

## Disclosure of Disability / Mental Health Condition

The College encourages students with a disability and / or mental health condition to self-disclose the nature and extent to the Student Wellbeing Coordinator or a Student Services Adviser. These support staff will be able to provide an overview of the program and support registration in the *Access and Equity Program*. While the College encourages the student to self-disclose, it is not a requirement to self-disclose a disability and / or mental health condition. The primary purpose of self-disclosure is to enable the College to facilitate a student's successful progression through study.

## Admission

The College is committed to ensuring that prospective students with disabilities and / or mental health conditions are able to seek admission to the College on the same basis as prospective students without a disability or condition and without experiencing discrimination.

Admission may occur via one of the admissions entry pathways. In assessing applications from people with disabilities, the College will give due consideration to the fact that such as applicant may have experienced educational disadvantage because of their disability and / or mental health condition.

- Prospective students with disabilities and / or mental health conditions are encouraged to self-disclose the nature of their disabilities and/or condition(s) during the admissions and enrolment process.
- Failure to self-disclose may result in the College being unable to provide the individual with any accommodating requirements.
- Disclosure of a disability and / or mental health condition at admission does not lead to the automatic provision of Access and Equity services.
- The prospective student is responsible for meeting with the Student Wellbeing Coordinator about the Access and Equity Program and the documentation required for registration
- It is reasonable for the College to seek information and evidence about a pre-enrolled student's disability, and / or mental health condition, providing the purpose for the inquiry is to provide equal opportunity or to provide reasonable adjustments to support the student in achieving the learning outcomes of the course. As such, The College may request, in advance, supporting evidence from a Qualified Medical Professional or other experts relating to the nature of the student's disability and / or mental health condition. Refer to the *Reasonable Adjustment Policy*.

The College provides all prospective students with advice that informs them of the *Inherent Course Requirements*, including information detailing specific competencies required. Students with disabilities and / or mental health conditions can be provided with reasonable adjustments, however, the *Inherent Course Requirements* of a course cannot be compromised.

## Current Students

- While the College undertakes to assist students in their studies, it can only do so if students identify and actively engage in a process to negotiate reasonable adjustments. Students are not required or obligated to disclose a disability and / or mental health condition at any time (unless it poses a health risk to other students or staff), but can elect to do so with reasonable notice to the College at any time during study.
- Students are invited to self-disclose a disability and / or mental health condition to the College on admission. However if a student's circumstances change, students are to connect with a Student Wellbeing Coordinator to support or discuss *Access and Equity Program* registration via the LMS > Help > Consultations > Student Wellbeing.
- The Access and Equity documentation regarding the nature of a disability and / or mental health condition must be supported by evidence from a Qualified Medical Professional or experts relating to the nature of the student's disability. Refer to the *Reasonable Adjustment Policy* which outlines and defines Qualified Medical Professionals.
- It is reasonable for the College to request additional information if required to access the impact of the disability, and / or mental health condition on a student's learning and to determine what reasonable adjustments should be made for assessment purposes.
- Information provided by students in relation to a disclosed disability and / or mental health condition shall remain confidential, and restricted to those with a legitimate need to know in accordance with the *Privacy Policy* and other relevant privacy legislation.
- The College is not obligated to provide adjustments for a student who chooses not to disclose a disability and / or mental health condition and register with the *Access and Equity Program*.
- The College may not be able to provide students who do not disclose with the adequate support to successfully complete a subject or course.
- Students can register for the *Access and Equity Program* at any time via the Student Portal > Health and Disability Support > Student Access & Equity

## Reasonable Adjustment

Reasonable adjustments may be made to accommodate a student with a disability and / or mental health condition that are inclusive and reduce the impact on a student's academic success. Reasonable adjustments may modify learning resources, learning environment, teaching method, or assessment conditions to increase the participation of a student with a disability and / or mental health condition without compromising the academic standard or inherent requirements of the course that are required to be met for completion or association or registration requirements.

Wherever practical, reasonable adjustment will be made to meet the needs of a student with a disability and / or mental health condition. Reasonable adjustments must balance the student's learning needs and the interests of all parties affected, including those of the student, the College, staff, and other students. The College will provide reasonable adjustments to students with disabilities consistent with the *Disabilities Standards for Education 2005*. Refer to the *Reasonable Adjustment Policy*.

- The College is not obligated to make any adjustment or accommodation that may impose an unjustifiable hardship on the College.
- Students with a disability and / or mental health condition may be required to provide additional medical or specialised documentation to substantiate the reasonableness of the adjustment.

- To assist with the identification or appropriate reasonable adjustments, the College requires students seeking adjustments to supply supporting medical documentation about the nature and impact of their disability and / or mental health condition in the learning environment.
- The College expects students to disclose relevant information about circumstances that may impact on their capacity to undertake their studies for the purpose of making reasonable adjustments. Such evidence must be an accurate reflection of the person's current disability and / or mental health condition and may include medical or other professional advice, reports from previous educational institutions and/or government and community agencies. Refer to the *Reasonable Adjustment Policy*.

In some instances, a detailed independent expert assessment may be required in order to determine the nature of the adjustments that are appropriate for an individual student enrolled in specific courses.

The purpose of disclosure is not to exclude students from opportunities but to;

- enable access to a safe environment, with appropriate adjustments, minimising their exposure to risk and risk to others.
- allow students to be clear about the reason for making the disclosure and what they are required to disclose to receive the support they require.
- support students with the right to disclose only to a Student Wellbeing Coordinator and relevant staff for the purpose of identifying and implementing appropriate education related adjustments without having to disclose their disability and / or mental health condition to all relevant teaching staff.
- allow students in exercising their duty of disclosure to advise staff in a timely manner of their needs in relation to their disability, including assessment related adjustments. If the College is not advised in a timely manner, then it may be unable to provide a student with specialised support.
- Negotiation of reasonable adjustments will occur through consultation with the student, the student's advocate, a Student Wellbeing Coordinator the National Student Affairs Coordinator, or the relevant Head of Department / Academic Supervisor or other relevant College staff or delegated authority.
- Negotiation of reasonable adjustments for International Students will occur through consultation with the student, the student's advocate (if relevant), the Student Wellbeing Coordinator the National Student Affairs Coordinator, or the relevant Head of Department or National Quality, Governance & Compliance Manager or delegated authority.

Reasonable Adjustments will be made to accommodate a student with a disability and / or mental health condition.

- All reasonable adjustments approved are to be justifiable and uphold the integrity of the subject / course.
- A reasonable adjustment is a measure or action taken to assist a student with a disability and / or mental health condition to participate in education on the same basis as other students.
- A reasonable adjustment does not include changing the stated learning outcomes of a subject or the *Inherent Course Requirements*.
- An adjustment is reasonable if it can be made whilst
  - taking into account the stated learning outcomes of a subject,
  - the student's education needs, and,
  - balancing the interests of all parties affected, including the College, staff and other students.

There is no requirement to make unreasonable adjustments under either the Act or the *Disabilities Standards for Education 2005, sub section 3.4*

The College facilitates access to the *Access and Equity Program* and recognises that:

- Students with disabilities and / or mental health conditions are often best placed to understand their capacities.
- Students seeking reasonable adjustments share the responsibility for implementing recommended medical protocols that support a solution focused approach that supports success in their subject and course.
- Students are responsible for recognising their own personal cognitive and mental wellbeing and when and how to seek support and strategies to manage course participation and engagement.

*This policy should be read in conjunction with the **Reasonable Adjustment Policy**, which outlines the provision, determination, and guidelines of Reasonable Adjustment.*

*For information on reasonable adjustments for students with English as a Second Language, refer to the **English Proficiency Policy - Higher Education** or **English Proficiency Policy - VET**.*

## Accessibility

The College recognises the importance of providing appropriate physical access to buildings and other facilities. Where physical access cannot be guaranteed, alternate arrangements for services will be provided where possible.

- The College will maintain and improve where possible the level of accessibility to existing buildings.
- The College will ensure that new buildings meet the appropriate Australian Standard for access and mobility as set out in *Australian Standards AS1428-2001 - Design for Access and Mobility*, and complying with the *Disability (Access to Premises - Buildings) Standards 2010*.
- The College will aim to ensure that online teaching materials meet the Web Content Accessibility Guidelines (WCAG).
- Adherence to such Standards will be regarded as a minimum requirement.

## Exceptions

The College is not obligated to provide adjustments for a student who chooses not to disclose a disability or mental health condition and register with the **Access and Equity Program**.

The College is not obligated to make any adjustment or accommodation that may impose an unjustifiable hardship on the College.

The College cannot compromise the subject learning outcomes, academic standards, **Inherent Course Requirements** or academic integrity of a course.

Where the nature or extent of a student's disability and / or mental health condition has the potential to create a health and safety risk for themselves, students, staff or others, the College reserves the right to take action where it is reasonably necessary to protect the health, safety or welfare of students, staff and members of the public at the College.

In the circumstances where a student may pose a risk to the health, safety or welfare of other students, staff or people at the College, the College may request the student to provide certified medical documentation from a Qualified Medical Professional regarding the student's capability to meet the **Inherent Course Requirements** and suitability for study in a tertiary environment.

## Roles & Responsibilities

The College maintains its responsibility to:

- Ensure that this Policy is accessible to all staff and students.



- Ensure that this Policy is implemented and applied consistently across all campuses of the College including its online learning environment.
- Ensure the College is fully compliant with the Australian Health Practitioner Regulation Agency (AHPRA) 'notifiable conduct', state National Laws and regulatory bodies mandatory reporting requirements.
- Ensure the College is fully compliant with the Chinese Medicine Board of Australia (CMBA) accreditation standards that reference safe practice. Education providers have an obligation to make a mandatory complaint or concern about a student if the student has an impairment or health issue that may, either in the course of study or clinical training, place the public at substantial risk of harm. Notifiable conduct is defined as:
  - practising while intoxicated by alcohol or drugs
  - sexual misconduct in the practice of the profession
  - placing the public at risk of substantial harm because of an impairment (health issue), or
  - placing the public at risk because of a significant departure from accepted professional standards.

(Refer to the *Alcohol and Other Drugs Policy – Higher Education Students*.)

## Complaint or Grievance

Students who have a complaint or grievance, academic or non-academic, should refer to the relevant *Complaints and Appeals Policy - Domestic Students - Higher Education*, *Grievance Policy - VET*, or *Complaints and Appeals Policy - International*.

Students who have a complaint or grievance related to disability or reasonable adjustment should first contact the Student Wellbeing Coordinator, and / or the National Student Affairs Coordinator.

Students who are not satisfied with the outcome or conduct of a complaint or grievance related to disability or reasonable adjustment may appeal to an external agency as per the relevant *Complaints and Appeals Policy - Domestic Students - Higher Education*, *Grievance Policy - VET*, or *Complaints and Appeals Policy - International*.

## Definitions

**College** – the Australian College of Natural Medicine Pty Ltd (ACNM) trades as Endeavour College of Natural Health and Endeavour Wellness Clinic. For the purpose of this policy, any reference to 'College' or 'the College' should be considered a reference to each or any of these respective trading names / entities.

**Academic Integrity** means to act in such a way that maintains integrity of all academic work and is not academically dishonest in any way.

Academic integrity requires that in providing for students with disabilities, the College continues to ensure the integrity of its courses and assessment requirements and processes, so that those upon whom it confers an award are able to present themselves as having the appropriate knowledge, experience and expertise implicit in the holding of that particular award.

**Advocate** – A representative appointed by the student to assist in consultation with the College to determine appropriate support and reasonable adjustments for the student. An advocate could be a family member, close friend, carer, and medical professional, or other party chosen by the student. This person is not to be a lawyer.

**Disability** – The College defines disability in accordance with the *Commonwealth Disability Discrimination Act 1992*.

In the context of this policy:

**A student with a disability** refers to an enrolled student of the College with a **disability** that in relation to a person means:-

- total or partial loss of the person's bodily or mental functions; or
- total or partial loss of a part of the body; or
- the presence in the body of organisms causing disease or illness; or
- the malfunction, malformation or disfigurement of a part of a person's body; or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour;

and includes a **disability** that:

- presently exists; or
- previously existed but no longer exists; or
- may exist in the future; or
- is imputed to a person;

resulting in a reduced ability to access educational services provided by the College including assessment tasks and a requirement for reasonable adjustments and/or support services to address these barriers. A student who is pregnant and does not meet the above criteria is not a student with a disability.

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

**Inherent Course Requirements** - The documents outlining the specific skill, knowledge, performance or behavioural requirements that a student must meet in order to successfully complete each higher education course offered by the College and to enable graduates to register with professional associations or licensing bodies.

**Learning Outcomes** - the expression of the set of knowledge, skills and the application of the knowledge and skills that it is essential that a person has acquired and is able to demonstrate as a result of learning in a subject or course to preserve the academic integrity of the College qualifications.

**Qualified Medical Professional** – a Doctor or Specialist who is registered or licensed to practice medicine under the laws of the country they practice in. In Australia the register of practitioners is maintained by AHPRA & National Boards ( Australian Health Practitioner Regulation Agency), For further information refer to

<https://www.ahpra.gov.au/Registration/Registers-of-Practitioners.aspx>

**Reasonable Adjustment** – The College defines reasonable adjustment in accordance with the *Commonwealth Disability Standards for Education 2005 subsection 3.4*

An adjustment is a measure or action (or groups of measures or actions) taken by the College to assist a student with a disability or mental health condition to participate in education and training on the same basis as other students. An adjustment is reasonable if it achieves this purpose while taking into account the student's learning needs and balancing the interests of all parties affected, including those of:

- the student with the disability
- the education provider (the College)
- staff
- other students



An adjustment is **reasonable** in relation to a student with a disability or mental health condition if it balances the interests of all parties affected.

**Special Circumstances** – Students may apply for Special Circumstances when a decision has been made by the College upon application of the relevant policy that may require reassessment due to extenuating circumstances. For example, students may apply for an extension of a written assessment or deferral of an examination if a situation occurred that was beyond the student's control which affected the student's participation in study. For further information refer to *Special Consideration Policy - Higher Education*, or *Special Circumstances Policy - VET*.

**Student** – an individual person who is formally enrolled to study at the College. The individual person is that who appears on the College's documents such as enrolment, admission and payment documents, and who is assigned an individual student ID.

**Support** – The College connects students with a disability to specialised services or adjustments with the aim of assisting them to achieve personal and educational goals at the College. This support enables the College to meet its access and equity commitments as well as disability legislative requirements under Commonwealth law. For further information refer to the *Access and Equity Handbook*.

## Related Procedures

*Grievance Procedure*

## Further Information

### Related Policies

*Assessment Policy - Higher Education*

*Assessment Policy - VET*

*Complaints and Appeals Policy - Domestic Students - Higher Education*

*Complaints and Appeals Policy - International*

*English Proficiency Policy - Higher Education*

*English Proficiency Policy - VET*

*Grievance Policy - VET*

*Privacy Policy*

*Reasonable Adjustment Policy*

*Special Circumstances Policy - VET*

*Special Consideration Policy - Higher Education*

*Student Equal Opportunity and Fair Treatment Policy – HE*

*Student Equal Opportunity and Fair Treatment Policy - VET*

### Related Documents

*Access and Equity Program Registration Form (online)*

*Access and Equity Handbook*

*Australian Standards AS1428-2001 - Design for Access and Mobility Commonwealth Disability Discrimination Act 1992*

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## *Access and Equity Program*

*Inherent Course Requirements - Acupuncture*

*Inherent Course Requirements – Acupuncture Therapies and Chinese Medicine*

*Inherent Course Requirements - Chinese Remedial Massage*

*Inherent Course Requirements - Complementary Medicine*

*Inherent Course Requirements - Massage*

*Inherent Course Requirements – Myotherapy*

*Inherent Course Requirements – Naturopathy*

*Inherent Course Requirements - Nutritional and Dietetic Medicine*

## **Guidelines**

*Higher Education Standards Framework (Threshold Standards) 2021*

TEQSA Guidance Note: Diversity and Equity

*Universities Australia (AVCC) Guidelines for Students with a Disability 2006*

## **Benchmarking**

Australasian College of Natural Therapies (ACNT)

Bond University

Griffith University

Torrens University Australia

Western Sydney University

## **Supporting Research and Analysis**

Australian Disability Clearing House (ADCE)

<https://www.adcet.edu.au/students-with-disability/disability-and-discrimination/advocacy-and-networks/>

Australian Health Practitioner Regulation Agency

<https://www.ahpra.gov.au/>

Australian Human Rights Commission

<https://www.humanrights.gov.au/>

Australian Network on Disabilities

<https://www.and.org.au/>

Department of Education and Training – Higher Education Disability Support Program

<https://www.education.gov.au/higher-education/support-students#toc--support-for-students-with-disability->

World Wide Web Access: Disability Discrimination Act

<https://www.humanrights.gov.au/world-wide-web-access-disability-discrimination-act-advisory-notes-ver-41-2014>

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## Related Legislation

*Australian Standards AS1428-2001 - Design for Access and Mobility Commonwealth Disability Discrimination Act 1992*

*Commonwealth Disability Discrimination Act 1992*

*Commonwealth Disability Standards for Education 2005*

*Disability (Access to Premises - Buildings) Standards 2010*

Health Ombudsman Act 2013

National Disability Insurance Scheme (NDIS)

*Students with Disabilities: Code of Practice for Australian Tertiary Institutions (1998)*

*World Wide Web Access: Disability Discrimination Act Advisory Notes ver.4.1 (2014)*

### Disability (or equivalent) Acts:

*Disability Services Act 1993 (NSW)*

*Disability Services Act 2006 (QLD)*

*Disability Service Act 1993 (SA)*

*Disability Act 2006 (VIC)*

*Disability Services Act 1993 (WA)*

### Health Practitioner Regulations:

Health Practitioner Regulation National Law Act 2009

Health Practitioner Regulation National Law (QLD)

Health Practitioner Regulation National Law (NSW) No 86a

Health Practitioner Regulation National Law (Victoria) Act 2009 (VIC)

Health Practitioner Regulation National Law (South Australia) Act 2010 (SA)

Health Practitioner Regulation National Law (WA) Act 2010 (WA)

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## Review and Approval

### Policy Author

Director, Student Services and Retention

### Policy Owner

Director of Student Services and Retention

### Contact

Director of Student Services and Retention

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### Approval Body

Academic Council

Date: 10 February 2023

### Policy Status

Revised – fully revised policy updated with legislative changes and College procedure changes.

### Responsibilities for Implementation

- Director of Student Services and Retention
- Director of Education
- National Student Affairs / Success Coordinator
- Student Wellbeing Coordinator
- Student Services Advisers

### Key Stakeholders

- Admissions Advisers
- Academic & Training Staff
- International Student Success Coordinator
- National Quality, Governance & Compliance Manager
- HR Staff
- Students