Disability Support Procedure

Procedure Category	Management		
Document Owner	Chief Executive Officer		
Responsible Officer	Registrar		
Review Date	09/07/2018		
Related Documents	*Assessment Policy* *Disability Support Policy* *Discrimination, Bullying and Harassment Prevention Policy* *Equity and Diversity Framework* *Health and Safety Policy* *Health and Safety Procedure* *Legislative and Regulatory Compliance* *Privacy Policy* *Staff Development Policy* *Staff Development Procedure* *Student Support Framework*		
Version	**Authorised by**	**Approved**	**Effective Date**
1.0	Academic Board	9/07/2018	09/07/2018

This Procedure implements AIBI Higher Education (AIBI HE)'s *Disability Support Policy*.

1. Scope

This Policy applies to AIBI HE students and staff, including affiliates.

2. Definitions

Affiliate: any person appointed or engaged by AIBI HE to perform duties or functions for the institution other than students and staff, and including members of advisory committees and governing bodies, contractors, consultants, and agency staff.

Disability discrimination: discrimination towards a person with a disability or any associates, carers, assistants, assistance animals and disability aids of the person with a disability - can be direct or indirect.

Disability: a 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 presence in the body of organisms capable of causing disease or illness, or the malfunction, malformation or disfigurement of a part of the person's body, or a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction, or a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour (as per the *Disability Discrimination Act 1992* definition).

Discrimination: treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.

Individual disability access plan: a document specifying the requirements of a student or staff member with a disability to provide as far as practicable a learning and professional environment in which the person can learn or work on the same basis as other students or staff.

Inherent requirements: the essential components of a role or program that must be carried out in order to fulfil the duties and responsibilities of the role or demonstrate the abilities, knowledge and skills to achieve the learning outcomes of the program.

Reasonable adjustment: the modification or provision of facilities or equipment employers for person with a disability to adequately engage in learning or perform their professional duties.

Unjustifiable hardship: a set of circumstances including negative consequences and lack of benefits or assistance, financial or otherwise, likely to be incurred by a person because of a measure.

Victimisation: subjecting or threatening to subject someone to a detriment because they have asserted their rights under equal opportunity law, made a complaint, helped someone else make a complaint, or refused to do something because it would be discrimination, sexual harassment or victimisation.

3. Students with disabilities

3.1. Communication

Students are made aware of behaviours against persons with a disability which could constitute harassment and victimisation, of how to report these behaviours during orientation, and receive regular reminders.

Relevant staff are trained during orientation, and maintain the required skills through professional development activities, to interact with students in ways which do not discriminate against people with disabilities.

3.2. Enrolment

The Registrar ensures that:

- information about admission and enrolment processes:
    - is designed with regard to the needs of students with disabilities;
    - is accessible to students with disabilities;
    - is available in a range of formats;
    - promotes disclosure of disabilities and associated requirements for supporting documentation;
- admission and enrolment can be completed without undue difficulty;
- any other information necessary to make an informed decision is available and accessible to students with disabilities.

3.3. Individual disability access plan

Students with a disability are encouraged to disclose the nature and extent of their disability to AIBI HE prior to commencement for the purpose of making reasonable adjustments. Supporting documentation of the disability and associated advice must be provided from a registered treating medical practitioner, registered health practitioner or approved specialist, depending on the nature of the condition.

The Registrar, in consultation with the Program Coordinator, is responsible for developing an individual disability access plan based on the supporting documentation of the disability and associated advice provided. In developing the plan, the Registrar may need to consult with the registered treating medical practitioner, registered health practitioner or approved specialist.

The individual disability access plan will have regard to educational requirements such as participation, delivery and access to student services.

3.4. Participation

Where a student with a disability is enrolled, the Program Coordinator is responsible for ensuring that:

- program activities are sufficiently flexible to enable participation of the student;
- program requirements are reviewed to enable participation based on information provided by the student;

- programs or support necessary to enable participation and achieve learning outcomes are negotiated with the student, agreed and implemented;
- where a program activity precludes the student's participation, a reasonable adjustment is offered (refer to Section 3.8 of this Procedure for more information on reasonable adjustments); and
- any activity which forms part of the broader educational program is designed to include the student.

3.5. Delivery

Where a student with a disability is undertaking a program or where AIBI HE can reasonably expect that students with disabilities may undertake the program, the Program Coordinator is responsible for ensuring that:

- the program delivery modes and learning activities take account of intended educational outcomes and learning capacities and needs of the student;
- the program study materials are made available in an appropriate format and, if an alternative format is required, without disadvantage to him or her;
- teaching and delivery strategies for the program are adjusted to meet the learning needs and address any disadvantage (e.g. additional support, disability-specific skills); and
- assessment procedures are adapted to enable the student to demonstrate the knowledge, skills or competencies being assessed.

3.6. Support Services

Where a student with a disability is enrolled at AIBI HE, the Registrar is responsible for ensuring that:

- information on specialised services (e.g. health, personal care and therapy, speech therapy, occupational therapy and physiotherapy) for the student and their access is readily available and facilitated;
- any necessary specialised equipment (e.g. adaptive technology and assistive devices) is provided to support the student in the program; and
- trained support staff (e.g. specialist teachers, interpreters, note-takers, teachers' aides) are made available to students with disabilities.

The information provided by the student is recorded as sensitive in a personal file and must not be disclosed or used except for the purpose of adjustments.

The Program Coordinator is responsible for the coordination of the academic aspects of the plan's implementation.

3.7. Special consideration

Students with a disability may request special consideration for reasonable adjustments at any time, e.g. in the case of a temporary disability (refer to Section 3.8 of this Procedure for more information on reasonable adjustments). The request should be made in writing to the Registrar.

Students should refer to AIBI HE's *Assessment Policy* for more information on special consideration due to exceptional circumstances.

Students with a permanent or long-lasting disability are encouraged to disclose their disability and develop an individual disability access plan with the Registrar. An individual disability access plan enables AIBI HE to plan and coordinate resources in an efficient and effective way.

3.8. Reasonable adjustments for students

Reasonable adjustments for students are offered in response to a disclosed disability resulting in an individual disability access plan, or due to exceptional circumstances requiring the student to apply for special consideration.

3.8.1. Identifying an adjustment

When reviewing the requirements of a student with a disability, the Registrar is required to consider any measure or action to assist a student with a disability to participate in the program on the same basis as other students.

3.8.2. Consulting with the student

The Registrar and/or Program Coordinator will discuss potential adjustments with the student, including preferred form of adjustment, and request the student's views as to whether:

- it is reasonable;
- it is fit for purpose; and
- no other less disruptive or intrusive option of comparable benefit exists.

3.8.3. Deciding on a potential adjustment

Based on the information provided by the student, the Program Coordinator will assess the need and the nature of the adjustment. Potential adjustments are assessed by determining whether:

- it is reasonable with regard to:
    - the student's disability;
    - views of the student;
    - effect of the adjustment on the ability to achieve learning outcomes, to participate in the program, and on the student's independence;
    - effect of the adjustment on AIBI HE, staff and students; and
    - costs and benefits of the adjustment;
- there exists other less disruptive or intrusive option of comparable benefit; and whether
- the adjustment may need to be changed over the period of a student's enrolment.

The Program Coordinator should ascertain that the integrity of the program and assessment requirements and processes are maintained.

Assessments will vary in complexity depending on the type of adjustment and staff may need to seek the assistance of an independent expert.

AIBI HE is not obligated to accept adjustments which would cause unjustifiable hardship. AIBI HE is responsible for demonstrating that accepting the adjustments would constitute unjustifiable hardship and that therefore an exception to the *Disability Standards* applies. AIBI HE will promptly notify the student of the decision and reasons for the decision.

3.8.4. Arranging for the adjustment

The Registrar will arrange for the adjustment to be made within a reasonable time to ensure student's participation.

4. Staff and Affiliates with Disabilities

4.1. Communication

Staff and affiliates are made aware of behaviours against those with a disability which could constitute harassment and victimisation, of how to respond to these behaviours during induction, and receive regular updates.

4.2. Recruitment

The Chief Executive Officer is responsible for ensuring that the recruitment process and terms and conditions on which the employment is offered do not raise unnecessary barriers to applicants with a disability, in particular job advertisement format and selection method.

4.3. Individual disability access plan

Staff members with a disability are encouraged to disclose the nature and extent of their disability to AIBI HE prior to commencement for the purpose of making reasonable adjustments. Supporting documentation of the disability and associated advice must be provided from a registered treating medical practitioner, registered health practitioner or approved specialist, depending on the nature of the condition.

The staff member's manager is responsible for developing an individual disability access plan based on the supporting documentation of the disability and associated advice provided. In developing the plan, the manager may need to consult with the registered treating medical practitioner, registered health practitioner or approved specialist.

The information provided by the staff member is recorded as sensitive in a personal file and must not be disclosed or used except for the purpose of adjustments.

The staff member's manager is responsible for the coordination of the plan's implementation.

4.4. Special consideration

Staff members with a disability may request special consideration for reasonable adjustments at any time, e.g. in the case of a temporary disability. The request should be made in writing to the staff member's manager.

Staff members with a permanent or long-lasting disability are encouraged to disclose their disability and develop an individual disability access plan with their manager. An individual disability access plan enables AIBI HE to plan and coordinate resources in an efficient and effective way.

4.5. Reasonable adjustments for staff

Reasonable adjustments for staff members are offered in response to a disclosed disability resulting in an individual disability access plan or due to exceptional circumstances requiring the staff member to apply for special consideration.

4.5.1. Seeking an adjustment

A staff member's manager is required to consider any measure or action to assist a staff member with a disability to perform his or her duties and have opportunities for promotion and recognition on the same basis as other staff members.

Staff members may request adjustments to be made at any time by applying in writing to their manager.

4.5.2. Consulting with staff

The manager will discuss potential adjustments with the staff member, including preferred form of adjustment, and request staff member's views as to whether:

- it is reasonable;
- it is fit for purpose; and
- no other less disruptive or intrusive option of comparable benefit exists.

4.5.3. Deciding on a potential adjustment

Based on the information provided by the staff member, the manager will assess the need and the nature of the adjustment. Potential adjustments are assessed by determining whether:

- it is reasonable with regard to:
  - the staff member's disability;
  - views of the staff member;
  - effect of the adjustment on the ability to perform his or her duties, and on the staff member's independence;
  - effect of the adjustment on AIBI HE, staff and students; and
  - costs and benefits of the adjustment;
- there exists other less disruptive or intrusive option of comparable benefit; and whether
- the adjustment may need to be changed over time.

AIBI HE is not obligated to accept adjustments which would cause unjustifiable hardship. AIBI HE is responsible for demonstrating that accepting the adjustments would constitute unjustifiable hardship and that therefore an exception to the *Disability Standards* applies. AIBI HE will promptly notify the staff member of the decision and reasons for the decision.

4.5.4. Arranging for the adjustment

The manager will arrange for the adjustment to be made within a reasonable time.

4.6. Monitoring

The Registrar is responsible for coordinating compliance activities, including monitoring and audits of the adequacy of Student Services and educations agents with regard to the *Disability Discrimination Act*.

4.7. Reporting

AIBI HE provides a fair and effective complaints and appeals handling process. Should students and staff wish to do so, they may also report suspected breaches of the *Disability Standards* or lodge complaints and appeals to the Human Rights and Equal Opportunity Commission.

AIBI HE's Corporate Board is ultimately accountable for the provision of healthy, safe and discrimination-free environment. It receives regular reports on compliance with relevant legislation, incidents and emerging issues for appropriate action.

5. Breaches

If a student or staff member is found to be in breach of this Procedure, she or he may be subject to disciplinary action in accordance with the relevant *Code of Conduct* and *Misconduct Procedure*, which can be accessed from the AIBI HE website.

6. Appeals

Appeals concerning any decision taken in relation to this Procedure should be made under the relevant *Complaints and Appeals Policy*, which can be accessed from the AIBI HE website. Overseas students may lodge an appeal with the Overseas Students Ombudsman.

7. References

Disability Discrimination Act 1992 (Cth)

Disability Standards for Education 2005 plus Guidance Notes (Cth)

Anti-Discrimination Act 1977 (NSW)

Australian Human Rights Commission Act 1986 (Cth)

8. Acknowledgements

In developing this Procedure, AIBI HE acknowledges:

- *Macquarie University, Disability Support Procedure;*
- *Western Sydney University, Disability Support Procedure;*
- *Think: Colleges, Disability Policy.*

Document History:

Version	Date	Author	Reason	Sections
0.1	15/06/2018	Julien Marechal	As requested at Academic Board 16 May 2018 meeting	All
1.0	12/07/2018	Julien Marechal	As requested at Academic Board 09/07/18 meeting	All
1.1	04/05/2022	Chaido Kiourkou	Amended to reflect new corporate name Australian Institute of Business Intelligence and new logo	All