

<b>Policy Owner</b>	College Director & Principal
<b>Contact Officer:</b>	Academic Director
<b>Policy Number:</b>	QHRPO013
<b>Approved by:</b>	Senior Management Group
<b>Date Approved:</b>	June 2012
<b>Last Reviewed:</b>	January 2017
<b>Related Policies:</b>	Assessment Disability Guidelines Complaints Policy Equal Opportunity Policy Enrolment Policy Student Welfare Counseling and Support Policy

## 1. Overview

- 1.1. The purpose of this policy is to ensure that students with a disability and/or medical condition ('disability') receive reasonable accommodations and support that is appropriate to their disability.
- 1.2. This policy has been developed in accordance with the Disability Access and Inclusion Plan (DAIP) 2012 - 2017, Western Australian Disability Services Act 1993, Commonwealth Disability Standards for Education (2005), Commonwealth Disability Discrimination Act (1992), and consistent with standards and codes developed for higher education and vocational education institutions in Australia.

## 2. Organisational Scope

- 2.1. This policy applies to all current and prospective students with disabilities.

## 3. Definitions

- 3.1. **Disability**, as outlined in the "Disability Discrimination Act 1992", means:

- Total or partial loss of the person's bodily or mental functions.
- Total or partial loss of part of the body.
- The presence in the body of organisms causing disease or illness.
- The presence in the body of organisms capable of causing disease or illness.
- The malfunction, malformation or disfigurement of a part of the person's body.
- A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction.
- 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:

- Presently exists.
- Previously existed but no longer exists.
- May exist in the future;
- Is imputed to a person

and results in:

- A reduced ability to access educational services provided by the College; and
- A need for support services to overcome these barriers.

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- 3.2. **Disability Discrimination:** Discrimination on the ground of disability means treating a person with a disability less favourably than a person who does not have a disability would be treated in the same or similar circumstances. (Disability Discrimination Act 1992, Section 5).
- 3.3. **Reasonable Accommodation:** a measure or action taken to assist a student with a disability to participate in education and training on the same basis as other students (Disability Standards for Education 2005). At Curtin College, the measures are as per Enrolment Policy Appendix Schedule 3.
- 3.4. **The College** – Curtin College.

### 4. Policy Principles

- 4.1. Curtin College is committed to creating an environment which promotes dignity, respect, acknowledges the right to privacy and confidentiality, and promotes an awareness of the needs and rights of students with disabilities. Students with Disabilities are afforded equitable access and practical support to participate fully in the life of the College.
- 4.2. Students with disabilities should be able to *access and negotiate the campus safely* and with ease in accordance with Curtin University's 'Student with Disabilities Policy' and the 'Curtin Disability Access and Inclusion Plan 2012-2017' [http://life.curtin.edu.au/local/docs/UL\\_HW\\_DAIP\\_2012-2017\\_Summary.pdf](http://life.curtin.edu.au/local/docs/UL_HW_DAIP_2012-2017_Summary.pdf) .
- 4.3. Students who require an accommodation as a result of the disability need to inform the College in writing of their requirements as detailed in Section 4.7. The student must provide reasonable notice for the College to consider the request for accommodations. The College will consider the request and make a decision. When assessing a request for a reasonable accommodation, the College will be entitled to preserve the inherent requirements of the course. The Students with Disability/Medical condition whether new or continuing will have to sign 'Reasonable Accommodations Disclaimer' (Refer to Enrolment Policy Appendix Schedule 3) to understand the type of support the College can provide.
- 4.4. The College shall provide support for all Students with Disabilities except where, in the opinion of the College, the provision of additional resources, services or facilities would impose an unjustifiable hardship on the College or compromise the health and welfare of the student or others.
- 4.5. The College aspires to access, retention, participation and success rates of students with disabilities comparable to the general student population.
- 4.6. **Medical Documentation for Students with Disabilities and/or Medical Conditions**

- 4.6.1. Students with Disabilities who require reasonable accommodations must provide the College with a completed 'Health Assessment and Management Plan' (Refer to Enrolment Policy Appendix – Schedule 1), providing information about their disability/medical condition and how it impacts on their studies. Appropriately qualified health professionals to include General practitioners, Physician, Psychiatrist, Licensed Psychologist or Licensed Professional Counsellor. The College will make a final determination of whether the health practitioner documentation is acceptable. The students may be required to be re-assessed by a health professional whose qualifications are recognised in Australia.

Note: Medical 'certificates' are not generally accepted as appropriate documentation

- 4.6.2. Currency of documentation:

- All documentation must be provided in English.
- If the documentation is not in English, then it should be translated into English and notarized.
- Documentation must be dated within the past 3 years.
- The College will make the final decision on the suitability of documentation provided and how often it should be updated depending on temporary or permanent disability/medical condition.

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### 4.7. Unjustifiable Hardship

4.7.1. As outlined in the Disability Standards for Education (2005), in deciding that making accommodations for a student with a disability would result in unjustifiable hardship for the College, the College will take into consideration:

- Additional staffing requirements;
- Provision of special resources;
- Modifications to curriculum;
- Impact on the learning environment, including the benefits and adverse impact on learning and social outcomes from the student's participation for the student, other students and staff;
- Financial incentives, including subsidies or grants available to the College as a result of the students' participation.
- Compromise the health and welfare of the student or others.

4.7.2. The College will take practical steps to provide 'Reasonable Accommodations' to meet the needs of the Student with Disability. However, after due consideration of these accommodations, at some point, if the College deems such actions to reach a level of "unjustifiable hardship", it may:

- Consult with, and seek the advice of relevant disability sources to overcome the difficulty.
- Discuss the matter with the student to explain any arising issues or unreasonable costs.
- Wherever possible, seek to provide alternative options for the student and endeavour to facilitate those options.

**Note:** Section 10.2 of the Disability Discrimination Act states that it is not 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.

4.7.3. Where unjustified hardship is determined, Academic Director or nominee will notify the student, whether new or continuing, of the decision and the reasons for the decision as soon as practicable after the decision is made. If a student is dissatisfied with the decision they have the right to submit a written complaint against that decision in accordance with the College's Complaints policy.

### 4.8. Complaint

4.8.1. Students who believe they have been treated unfairly on the grounds of disability are encouraged to refer to the College's Complaints Policy' (<http://curtincollege.edu.au/about-curtin-college/policies-procedures/>)

### 4.9. Confidentiality and Disclosure

4.9.1. Confidentiality of information relating to students with disabilities will be protected, and access only is given to staff with a legitimate need to know. All documentary evidence of disability/medical condition will be retained on the Student file.

## 5. Acknowledgements

5.1. Curtin University 'Students with Disabilities Policy'  
[http://policies.curtin.edu.au/findapolicy/docs/Students\\_with\\_Disability\\_Policy.pdf](http://policies.curtin.edu.au/findapolicy/docs/Students_with_Disability_Policy.pdf)

5.2. Curtin Disability Access & Inclusion Plan (DAIP) 2012-2017  
[http://life.curtin.edu.au/local/docs/UL\\_HW\\_DAIP\\_2012-2017\\_Summary.pdf](http://life.curtin.edu.au/local/docs/UL_HW_DAIP_2012-2017_Summary.pdf)

5.3. Disability Services Commission - A guide to Disability Access & Inclusion Plans for State Government Agent and Contractors ([www.disability.wa.gov.au](http://www.disability.wa.gov.au)).

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- 5.4. Disability Discrimination Act (1992), amended 2005 - <https://www.legislation.gov.au/Details/C2016C00763>
- 5.5. Disability Standards for Education 2005 <https://docs.education.gov.au/node/16354>
- 5.6. Disability Services Act 1993 (WA), amended 2004 [https://www.slp.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_267\\_homepage.html](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_267_homepage.html)

Version	Last changes:
<b>V1.5 (Feb 2017)</b>	<ul style="list-style-type: none"> <li>• Change Policy title to Supporting People with Disability Policy</li> <li>• Item 3.4 Reasonable Adjustment definition added</li> <li>• Item 4.3.2 reviewed and updated</li> <li>• Item 4.5 reviewed and updated</li> <li>• Item 4.6.1 Updated link to Curtin College Complaints policy</li> <li>• Item 4.10 updated</li> <li>• Item 5 updated – Medical Documentation section moved to item 4.4</li> <li>• Item 6 Acknowledgements links updated</li> </ul>
V1.4	<ul style="list-style-type: none"> <li>• Curtin University’s Disability Access and Inclusion Plan (DAIP) ‘2007 – 2011’ changed to ‘2012 – 2017’</li> <li>• Item 4.2 added</li> <li>• Complaints and Appeals policy replaced with Complaints Policy</li> <li>• Item 4.4.2 updated</li> </ul>