

# Students with a Disability Policy

## Introduction

(1) Australian Universities operate in a context which requires that institutions subscribe to the philosophy of social justice and give explicit attention to the provision of educational opportunity for people with disabilities. The University of Newcastle aims to provide students who have disabilities with the opportunity to participate fully in University life.

## Coverage

(2) This policy applies to any physical venue, whether on or outside a University campus, where a University activity is taking place. It also applies to agencies working on behalf of the University in Australia.

## Legislative Requirements

(3) Tertiary education institutions are subject to the provisions of State and Commonwealth equal opportunity and anti-discrimination legislation. These legislative provisions make it unlawful for the University to discriminate against a person on the grounds of the person's disability. This includes both direct discrimination (eg refusing to accept a person's application for admission or enrolment as a student because of a disability) and indirect discrimination where a condition or requirement is imposed which may be the same for everyone but unreasonably and disproportionately excludes or disadvantages a person with a disability. In developing good practices in this area, the University needs to be aware of other legislative provisions on such matters as vicarious liability, privacy, information management, duty of care and workplace health and safety.

## Rights and Responsibilities of Staff

(4) All staff take responsibility to ensure equity for students with disabilities and discharge their duties in a non-discriminatory manner.

### Staff Rights

(5) Staff have a right to expect that students seeking reasonable adjustments to the learning program will discuss their specific requirements (with assistance if required) and share responsibility in negotiating solutions.

### Staff Responsibilities

(6) Staff are expected to undertake development activities which ensure they become familiar with the general requirements of students who have disabilities.

(7) Staff shall create a climate that encourages students to approach them to discuss issues impacting on their studies that arise from their disability.

(8) Staff respond to the particular requirements of students who have disabilities by making reasonable adjustments within a flexible curriculum.

(9) Staff understand and constructively manage behaviour arising from disability which impacts upon others in the class.

## **Students**

### **Disclosure**

(10) In order to obtain support it is necessary that students disclose the nature of their disability to University disability support staff. The wish of a student to keep this information confidential from other staff will not prevent the student from receiving support.

### **Student Rights**

(11) Students have the right to expect that:-

- a. they will be treated with dignity and respect;
- b. the University will establish an inclusive educational environment;
- c. they can undertake their studies free from discrimination and harassment;
- d. staff will anticipate their need for reasonable adjustment, invite them to discuss their requirements and treat the request promptly and seriously;
- e. their views will be sought in the development and review of policies, procedures and practices affecting their lives at the University;
- f. where required, they may be assisted by independent advocates;
- g. staff will be given appropriate training to become familiar with good practices for meeting the requirements of the students;
- h. they will be given the opportunity to develop skills which will enable them to obtain maximum benefit from available services; and
- i. confidential information about their disability will not be disclosed without their permission, except in exceptional circumstances (eg when safety factors are involved).

### **Student Responsibilities**

(12) Students and where applicable prospective students with disabilities have a responsibility to provide information which assists the University in the timely planning and implementation of appropriate services by:-

- a. making early contact with disability support staff in the University;
- b. notifying and verifying their requirements to the extent necessary to ensure an appropriate University response;
- c. being proactive in advising the University of the difficulties they encounter in accessing aspects of the life of the University and how to overcome these difficulties; and
- d. ensuring that specialised services provided are utilised in a fair and effective manner.

### **Selection, Admission and Enrolment**

(13) In the processes of student selection, the University will assess the academic competence of applicants, except where special entry and/or special consideration for students with disabilities are requested by the student and supporting evidence is provided.

(14) Applications from students who meet standard admission criteria for a course will not be rejected on the basis of pre-judgements of their ability to cope with the demands of the course, or of their potential employability.

### **Service Provision**

(15) Provision of appropriate services to students with disabilities is the responsibility of all relevant organisational

areas within the University. Particular advice and/or services may be provided by a unit or individual with specialist expertise.

## **Physical Access**

(16) The University aims to provide a physical environment in which students with disabilities can effectively undertake their studies. All new buildings and extensions will be designed with provision for access for students with disabilities. Extensions will be designed with appropriate provisions for access.

(17) In the development of educational resources (libraries, computer laboratories, lecture theatres) the needs of students with visual, hearing, manipulative and mobility impairments will be taken into account.

## **Staff Development**

(18) In staff development programs, the University will promote:

- a. awareness of the principles of equity of academic opportunity for people with disabilities;
- b. basic disability awareness including appropriate language and attitudes in reference to people with disabilities;
- c. general familiarity with the support services provided by the University for people with disabilities; and
- d. knowledge of teaching and assessment strategies appropriate for students with disabilities.

## **Language**

(19) The University will promote the use of appropriate language in reference to disabilities and people with disabilities. Every effort will be made to ensure that University publications are exemplary in this regard.

## **Grievances**

(20) Students who believe they have been discriminated against may take action under the University's Student Grievance Procedures.

## **Implementation of Policy**

(21) This document is based on and uses material drawn from Students with Disabilities: Code of Practice for Australian Tertiary Institutions, February 1998 and AVCC Guidelines relating to students with disabilities, December 1996.

## Status and Details

Status	Historic
Effective Date	28th September 2010
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Approval Authority	Vice-Chancellor
Approval Date	26th August 2000
Expiry Date	25th June 2018
Responsible Executive	Stephanie Brookman Associate Director, Student Wellbeing
Enquiries Contact	Scott Laing Associate Director, Student Wellbeing <hr/> Student Central

## Glossary Terms and Definitions

**"Confidential information"** - All information which is disclosed to a party by, or on behalf of, the other party, or which is otherwise acquired by a party from the other party, or any adviser engaged by the other party, which: (a) is by its nature confidential; (b) is designated by the other party as being confidential; or (c) the party knows or ought to know is confidential, but does not include information which: (d) is or becomes public knowledge other than through a breach of confidentiality; (e) was already in the possession of a party and not subject to an obligation of confidentiality; (f) is lawfully received from a third party; or (g) is independently developed by a party.

**"Student"** - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

**"Disability"** - As defined by the Disability Discrimination Act 1992 (Cth) (as amended from time to time, or as per any replacing legislation).